S. HRG. 100-915

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1989

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

H.R. 4776

AN ACT MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART AGAINST THE REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1989, AND FOR OTHER PURPOSES

COUNCIL OF THE DISTRICT OF COLUMBIA
COURT SYSTEM
DEPARTMENT OF CORRECTIONS
OFFICE OF THE MAYOR
SCHOOL SYSTEM
TAXICAB COMMISSION

Printed for the use of the Committee on Appropriations

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CONTENTS

DISTRICT OF COLUMBIA

WEDNESDAY, MAY 25, 1988

	Page
Office of the Mayor	1
Council of the District of Columbia	40

THURSDAY, MAY 26, 1988

Taxicab Commission	123
Court System	133
School System	163

TUESDAY, JUNE 28, 1988

Department of Corrections	189

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1989

WEDNESDAY, MAY 25, 1988

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 3:17 p.m., in room S–128, the Capitol, Hon. Tom Harkin (chairman) presiding.

Present: Senators Harkin, Reid, and Grassley.

DISTRICT OF COLUMBIA

OFFICE OF THE MAYOR

STATEMENT OF HON. MARION S. BARRY, JR., MAYOR

ACCOMPANIED BY WILHELMINA MARSHALL, DIRECTOR, LEGISLATIVE AFFAIRS UNIT, OFFICE OF THE BUDGET

OPENING REMARKS

Senator HARKIN. The Subcommittee on the District of Columbia will come to order.

Today, we begin our inquiry into the fiscal year 1989 budget of the District of Columbia Government. We are pleased to welcome the Mayor of the District, the Honorable Marion Barry, and the Chairman of the District Council, the Honorable David Clarke.

Mr. Mayor and Mr. Chairman, it is a pleasure to have you here again this afternoon, and we look forward to your testimony. You have a written statement, and it will be made a part of the record in its entirety. Before you start, I would like to ask Senator Reid if he has an opening statement or anything he would like to say.

Senator REID. I have a few questions if I can hang on that long, if he does not filibuster.

Senator HARKIN. OK.

Mayor BARRY. I am not a Senator.

Senator HARKIN. He is not a Senator; he is a mayor. [Laughter.]

Senator HARKIN. Senator Grassley.

Senator GRASSLEY. Mr. Chairman, I have no opening statement. As I indicated to you, I will not be able to stay for the entire meeting, but I have invited both the Mayor and Mr. Clarke to visit with me privately,

if there are any aspects of the budget that they want some more of my time on, I would be glad to give it.

Senator HARKIN. Thank you very much.

Again, your written statement will be made a part of the record in its entirety. I just want to say for the record that Senator Nickles and Senator Mikulski, who wanted to be here today, are tied up in a military construction hearing.

Mr. Mayor, please proceed. If you could summarize your statement, it would be appreciated.

OPENING REMARKS OF MAYOR BARRY

Mayor BARRY. Thank you, Mr. Chairman and members of the committee. We certainly appreciate this opportunity to appear before you. We would like to thank the subcommittee for its support of our efforts to run a very efficient and effective government, and also for respecting our home rule philosophy.

Also, Mr. Chairman, I would like to commend you and other members of the committee who serve on this committee because, quite frankly, from a constituency point of view, the Subcommittee for the District of Columbia does not get very much in terms of your constituents. You do it out of commitment and out of legal responsibilities and we appreciate that.

We appreciate the relationship that we have had over the years which has continued since you have been Chair. I certainly would like to thank Tim Leeth; he is an outstanding staff person. He is always available to discuss with our staff any of your concerns, and the subcommittee's concerns. He tries to make sure that we all are talking to each other. Tim has served several chairmen, and he knows a lot about the District government.

Mr. Chairman, I would like to ask that my 34-page statement be included in the record. I will summarize it.

Senator HARKIN. Please.

Mayor BARRY. I have sat on the other side too where I have had to sit for hours listening to testimony. So I told my staff I was very sensitive to that.

Senator REID. That is why they prepared such a short statement for you.

FINANCIAL MANAGEMENT ACHIEVEMENTS

Mayor BARRY. I will highlight our requests and explain more about them in a moment. I would like to review our recent fiscal management achievements. We have moved from keeping our books like a federal government agency to keeping our books as a local government agency. We keep our books in accordance with generally accepted accounting principles. For the seventh consecutive year, we have balanced our budget, and also we received a certificate of performance from the Finance Officers Association for the last 6 years. No other city or county has received that 6 years in a row, which is testament to the soundness of our financial and our accounting procedures.

Also, Mr. Chairman, we are doing all we can to contain our debt service costs. We are looking at all of our capital projects in order to reduce authority for projects that are not now needed. Even though we are well within the limit of 14 percent of our revenues, we like to keep our debt service costs around 8, 8.5 percent, which we are at at this point.

IMPLEMENTING NEW PROCUREMENT ACT

Also, Mr. Chairman, we are working very hard to bring our procurement act on line. Let me just say for the record, with the exception of the Department of Human Services, 90 percent of all the contracts are competitive bidded. Human Services is a very unique area and we are working very hard developing RFP's and standards for contracts in the Department of Human Services. Part of the difficulty was that a number of these contracts ended on September 30, and we had to figure out a way to keep the services going while we were renegotiating the contracts. It is easy to have competitive bidding for some types of services because you can either build a bridge or you cannot. However, when you are contracting for a group home, you have to look at the human element. You can have the best licensing procedures and the lowest price, but that does not mean you are going to be compassionate; it does not mean you are going to look after the young people who stay there. But by the end of this fiscal year, we should have the Department of Human Services' contracting process worked out to the point where it serves the client, it serves the contractor, and it serves the government.

My philosophical view is that I am the guardian of the public trust and the public treasury, and we do not want anybody taking advantage of us. We want to get the best price and the best service for our money, and that is the commitment we have been working on. On the other hand, we want to make sure we get people who care about people to run people-related programs. You do not have to care about people if you are building a road or a bridge. When you are dealing with human services, you really have got to care as well as have the competency to do so. So we are well on our way. We promulgated rules and regulations for 28 of the 32 chapters of the procurement act. We anticipate during this fiscal year to have the other four chapters complete.

SUPPORT OF FEDERAL PAYMENT

Mr. Chairman, another area that we are concerned about is our federal payment. Ideally, we would like a formula-based federal payment. We do not have one yet. The President has recommended an increase of $5.5 million for 1989, which is the first increase the President has recommended since fiscal year 1985. It has remained at the authorized level of $425 million for the last 3 years. However, we are going to continue to push for the formula-based plan. That is important.

SUPPORT OF LUMP SUM FEDERAL WATER AND SEWER PAYMENT

Also, Mr. Chairman, we would like for the subcommittee to do as they did last year regarding the federal water and sewer payment; that is, make it a lump-sum payment. We have meters at all of the federal establishments, but we do not have authority to bill federal agencies for water and sewer services as OMB has insisted that we do. Even if we could, we do not have enforcement powers. For example, if you are a resident of Washington and you do not pay your water bill, after we send you the second notice, we turn your water off. I made a policy decision not to turn water off in an apartment building because when you pay your rent you assume the person you are renting from is going to pay the water bill. What we do is lien the building, which means that we eventually get our money from the owner.

If we could bill federal installations, what do we do if somehow the Defense Department does not have funds in its budget to pay the water bill. We are not about to cut the water off to the Defense Department or even Capitol Hill.

The lump-sum payment is required by law and it has worked very well for us. As you very well know, last year's actual meter readings are reconciled with the actual amount of money that was put in the budget. If there is a difference, up or down, we have authority to make adjustments within 2 years. This works very, very well.

The people at OMB thought that if we metered the installations they were going to end up saving money. They found out, as you very well know, that it was more than they had anticipated. So we like this process. It is easy for all of us. There must be 180 different federal locations, and we do not want to bill them in order to get our money. So we urge the committee to do what it did last year, approve the lump-sum payment. We do not support the President's proposal to bill federal agencies.

Senator HARKIN. Excuse me for interrupting, Mr. Mayor, but isn't it true that you would not have the legal authority to collect from the individual agencies of the federal government if, in fact, they did not pay the water bill?

Mayor BARRY. We have both the legal problem and the political problem. We do not have the legal authority to bill federal agencies. Right now the public law does not allow us to individually bill the federal agencies.

Senator HARKIN. We have a letter from the GAO, Comptroller General of the United States that states that the President's proposal is contrary to existing law.

Mayor BARRY. That is absolutely correct.

Senator HARKIN. And the GAO further states that the District of Columbia has no statutory authority to bill or to accept payments directly from individual federal agencies for water and sewer service that they receive. You do not have the authority to do that if you wanted to.

Mayor BARRY. It is an authority question and one, also, of practicality.

Senator HARKIN. I might also add for the record that I am informed that the proposal to have these federal agencies pay for their water bill would put some agencies in dire straits because they do not have any money in their budget to do so. For example, one of the biggest water users in the District is the National Zoo under the Smithsonian Institution. If they had to pay that water bill, they could not pay it.

Senator REID. This is all part, Mr. Chairman, of the phony Reagan administration trying to—I should not say the phony Reagan administration—phony money-saving ways of trying to save money, when, in fact, it is just juggling dollars. It is ridiculous. The water that gets consumed has to be paid for, and directing the agencies to do it in this manner is shuffling paper.

Senator HARKIN. That is all it is.

TRANSFER OF TITLE OF EMPLOYMENT SECURITY BUILDING

Mayor BARRY. We appreciate that, Senator Reid.

Also, Mr. Chairman, another item of concern as outlined on page 11 of my testimony is the transfer of title for the Employment Services Building. It is located at 500 C Street and was constructed by the federal government in the early 1960's. It houses both the D.C. Unemployment Compensation Board and the Department of Employment Services. The District of Columbia transferred the land to the U.S. Government in 1961 at no cost for the express purpose of housing the Unemployment Compensation Board and Employment Services in exchange for providing their services to the District and its residents for a minimum of 10 years. It was constructed with a $6.8 million loan secured by a promissory note including $4.4 in principal and $2.8 in interest. Payments of $2.8 million were made by the Secretary of Labor from funds earmarked for the D.C. government. In 1973, the District assumed direct payment for the note. It is our view that the title ought to be transferred to us which was part of the agreement with the federal government.

Looking at the legislative history of the home rule charter, a number of pieces of property were transferred to the D.C. government—parks, buildings, and other kinds of land and structures. Quite frankly, we think that there was no intent for the federal government not to transfer it to us. Letters exchanged between the entities in February 1959 verify this. Again, we would like to ask the committee to work with us on trying to get the title transferred. We have paid for it with our money; it ought to be transferred to us.

We certainly appreciate the House-Senate conferees establishing a moratorium of December 31, 1988, to prevent actions to condemn the building by the PADC. If they want to do a new facade on the building, we may want to do that. Or if they want it torn down, we may want to do that. But at least it ought to be our building. It is our money that paid for it, and logic would lead me to conclude that if you

pay for something it ought to be yours. So that is another important issue.

WAR ON DRUGS

Mr. Chairman, let me speak a little bit about our war on drugs. It is an epidemic, as you probably know, not only in Washington but all over the country. The drug business in this country is at least a $150 billion business. Nobody knows exactly. It is a cash-and-carry business, no credit cards. It is all cash and carry. It has created, as you know, Mr. Chairman and members of the committee, personal, social, and economic devastations. I think it is one of the greatest threats to our future that we have. It is greater than any foreign ideology or any foreign government in terms of the American people.

Our young people are being victimized by it. I do not have all of the answers to it. We have some. Law enforcement is certainly one part of it, but law enforcement apparently is not in and of itself sufficient.

Since August 1986, we have arrested about 33,000 people, 14,000 on drug-related charges, drug possession or distribution——

Senator REID. How many of those were convictions?

Mayor BARRY. We have about an 8- to 9-month lag between arrest trial.

Senator REID. Could you supply that for the record?

Mayor BARRY. Let me say, Senator Reid, we will supply that to you, except we do have a very serious problem in Washington. Because the U.S. Attorney prosecutes all of our felonies and major misdemeanors, they have been reluctant in the past to supply us with disposition information. We think with the new U.S. Attorney on board, Mr. Stevens, that we are going to be able to finish developing the system we started 2 years ago, of tracking a person from arrest to disposition. That way we will be able to see exactly what happened.

In order to get the information that we want to give you, it basically has to be tabulated by hand. As I said, the U.S. Attorney——

Senator REID. What would be better? Mr. Chairman, if you would allow me, rather than using—did you say last year the 14,000 arrests—was it last year?

Mayor BARRY. From August 1986 until April of this year.

Senator REID. It would probably be better if you could use the last calendar year because, as you said, it takes a while to catch up. Give me some basis for determining what convictions come from all those arrests you make, because I would bet it is very, very small.

Mayor BARRY. A lot of plea bargaining is done. Charges are changed from intent to distribute to attempt to distribute, from felonies to misdemeanors.

Senator REID. If you would supply those statistics, I would appreciate it.

[The information follows:]

CRIMINAL DISPOSITIONS, 1987

	Felony	Misdemeanor
Convictions:		
Jury trial	465	269
Nonjury trial	6	203
Guilty pleas	6,862	5,994
Total convictions	7,333	6,466
Acquittals:		
Jury tiral	189	273
Nonjury trial	11	94
Dismissals prior to trial	16	8,624
Dismissals in court	1,778	1,874
Total acquittals	1,994	10,865
Diverted		846
Total final dismissals	9,327	18,177

FUNDING FOR THE POLICE DEPARTMENT

Senator REID. Mr. Chairman, while we are on this subject—I know this is not the time for questioning but I might be leaving soon. You have asked for an increase of almost $20 million in funding for the police. How much of that is going to go for drugs, drug prevention—for lack of a better word?

Mayor BARRY. Basically, Senator Reid, the majority of our law enforcement now is drug-related, in the sense that 80 percent of those who are arrested test positive for drug use. We have a mandatory urinalysis for all those arrested, and I would say that outside of our community relations and some other kinds of programs, it is hard to differentiate specifically. But out of the police budget, I would say more than one-half of it is for drug-related kind of activities.

Our repeat offender unit focuses on trying to track those drug dealers who have a history of being involved at higher level rather than the street level. Our total budget for the police department is $207.1 million with 3,880 officers.

ATTITUDE OF YOUTH ABOUT DRUGS

We have also worked at prevention. Quite frankly, Senator, none of us know how effective these programs are. I have talked to young people and adults who know the danger of drugs. They know the question of danger. They know the consequences of going to jail. Yet they engage in both selling and using.

I think we are reaching an era in our society which is unfortunate that a number of people are not afraid to die. If you talk to some young people, they say, "You die once and that is it." And jail is not necessarily as much of a deterrent as it used to be.

INCREASE IN STREET DRUGS

There are more drugs on the streets of America now in 1988 than there were in 1987. In our most conservative estimates, there is 20 percent more cocaine on the streets of America in 1988 than there was in 1987, and primarily coming from six countries, which you all know about, in South and Central America.

Unless we find a way to diminish the profit in this drug business, I am not so sure how we are going to win the drug war. There is no way that our young kids can continue to use drugs and turn out to be bankers, business people, et cetera.

BUSINESSES CONTRIBUTING TO DRUG PROBLEMS

Another very disturbing part of this whole business is that we have some business people who are contributing to it. There are car dealers who have found a way to get around the reporting of cash payments of $10,000 to the Internal Revenue Service for the purchase of a car. They allow the young people to come in and pay $9,900 on Thursday; in another 2 weeks pay another $9,900 until it is paid off. They buy a big BMW for all cash. There are some jewelry stores—they are in the minority—but there are some jewelry stores in Washington that sell people $3,000, $4,000, $5,000, or $6,000 gold chains and expensive watches for cash. They are contributing to this problem.

OPERATION FIGHT BACK

So it is a problem which affects all of our lives, and every aspect of our community. We have organized "Operation Fight Back." It is trying to reclaim our streets and save our children by getting the community involved by telling us where the crack houses are. Just last Friday, we busted a crack house which had 1,200 vials of crack, about $12,000 in cash, and about 10 guns. It was at 1418 W Street, NW. We can probably multiply that by several hundred around this city. Not just in Washington, but, again, all over the country.

One of the good things, though, I can report, we do not have the same kind of gang problem in Washington as they do in Los Angeles, Detroit, Chicago, New York, or Philadelphia. We have congregations of people who sort of hang together, and they either sell drugs together or they try to protect themselves. But you do not have the territorial kind of fights as they do in these other major cities. A lot of it has to do, I think, with the nature of Washington and the fact that people move from Southeast to Northeast. We do not have a history of serious gangs where they have guns, chains, and knives and they meet at midnight under the Sousa Bridge to fight it out. We do not have that yet in Washington. But drugs are the problem.

HELP FROM THE FEDERAL GOVERNMENT IN FIGHTING DRUGS

I do not have any idea what this subcommittee can do to help, except as Senators I think you can do something. I think the federal government has not been vigorous enough in killing this snake at its

head. I have always learned that the way to kill a snake is at its head. The head is in those six countries in South and Central America where cocaine is grown. We are at the tail of this situation. We are not the head of it. We may cut the tail off of it, but that does not kill a snake. That just aggravates the snake a little bit, and makes it more difficult to move around.

But in our budget, though, we are going to step up our war on drugs, in both prevention and treatment. The Council added additional moneys for our treatment programs, which we certainly support. We think there ought to be treatment facilities, but everyone says put them on everybody's block except on our block, or in everybody's neighborhood except my neighborhood. And 95 percent of the people who need treatment are from Washington. We try to target the treatment facilities to those who live in those neighborhoods. So we are having a difficult time establishing drug treatment facilities in neighborhoods.

We have gone to 28 different communities, asking if we could come in and open treatment facilities, and so our budget is underspent a little bit in that area. But we are going to continue to push. I just want to point out to the subcommittee that this is a high priority of this administration. It is higher than any other priority because even if we get jobs for people and we get housing that they can afford, if drugs are paralyzing and terrorizing our community, then we are in serious trouble.

We are not asking for any special things in our budget, but to ask you as Senators to look at what the federal government is doing and continue to look at what we're doing. Should we use the military? I think we ought to use the military to work with those six countries and any other countries. We need to go in militarily and help them destroy these crops, because from what I have been told, these drug cartels have guns and airplanes and tanks and armies of their own. So if they have armies, we ought to help Colombia, Peru, Brazil, Mexico, and Paraguay boot the drug cartels out. I suspect that in some of these countries, the drug dealers control the country more than the government does.

The Coast Guard is another factor here. The Coast Guard's budget has been cut by $100 million, and they are out stopping ships that have marijuana butts. I think that is misdirected priorities, quite frankly, to pull a big yacht in with a little butt of marijuana when they ought to go out looking for tons of cocaine.

I want to just point out that I am going to be in the forefront of this fight. We may be losing it. We have had 117 murders in Washington; 70 percent were drug-related. Again, the community can play a greater part, but it is a serious problem.

PROGRAMS TO SAVE OUR YOUTH

I will not go through all the numbers. You have got them in your budget book. But one of our big programs is saving our youth. We are trying to do all we can through our Roving Leader Program, Project

OSAY, our Cinema Program, and Project Success which guarantees a job or job training to every high school graduate. It is in its second year, and it is working very well, Senator. I would like at some point to get the subcommittee to maybe look at this as a model for what we can do around the country. We have tracked our high school graduates from last year, and 90 percent of them are either working, in job training programs, in the military, or attending schools of higher education. I think that is an impressive number.

Senator HARKIN. What did you call it?

Mayor BARRY. Project Success. It is mentioned on page 21. Ms. Alexis Roberson's office has responsibility for that program. It is in the Department of Employment Services. It is really a great program. I think about 70 percent of the jobs are in the private sector and, of course, the public sector.

Also, Senator Reid, in terms of drug treatment, we are proposing to spend about $29 million on drug treatment. Again, part of the problem is during the heroin epidemic, some people thought methadone was a way to combat it. Methadone did stabilize people, but it's another drug, just as addictive. At least people could function without having to steal. The idea was to lower the amount gradually. As of this point, no one really knows how to deal effectively with cocaine addiction. You have had the Betty Ford Clinic try it another way. RAP, Inc. is abstinence. Second Genesis is abstinence. The Psychiatric Institute has a 28-day program. Because it is such a new phenomenon in terms of the massiveness of it, no one yet knows what to do except total abstinence. The question is: Can that happen? So we are looking at various ways of combating cocaine addiction.

Incidentally, Senators, in terms of the drug testing, 65 percent of the tests are for cocaine use, and about 35 percent are for heroin and PCP use. At one point it was 65 percent PCP use. So the drug of choice now is cocaine. We have not yet figured out how to deal with the use of cocaine in the long haul—except put in jail those who sell it or use it. Even when you get out, the question is: Can you sustain yourself?

There are a lot of notions about why people do it. I think our data is outmoded, but maybe we ought to ask the federal government to assist in researching and figuring out what to do about cocaine addiction.

SUMMARY STATEMENT OF MAYOR

Mr. Chairman, I guess in summary, again, I know that you have been very supportive of our efforts to improve our government. I do not want to go through all these numbers and figures here because you have them before you. But our requests reinforce our progress in education, youth opportunities, and senior citizens; they also keep the pressure on drug dealers. They continue our national leadership in year-round and summer job programs for youth, home purchase assistance, and comprehensive housing renovation programs. We look after our sick, feed our hungry, and shelter our shelterless.

We are doing our best to provide for all those needs within the limits of available resources. However, as I pointed out, we cannot do it alone. The citizens need help from the federal government, especially in combating the drug epidemic and the conditions that foster it. My hope is that the Congress, our partner in government, will provide the additional funds necessary not only to fight the war on drugs, but to actually win this battle.

I appreciate the opportunity, and again I want to voice my strong support for the leadership of this subcommittee and members of the committee in understanding the complexity of our city and the fact that we are doing a great deal to make sure we improve.

Finally, at this time last year we talked about the snow problems. I am happy to report, Senator Reid, that we are now the snow kings of the nation. I think we had about six snows, and we got them all taken care of. We batted a thousand. In fact, we were so efficient in some parts of our city that we were getting complaints from a couple of parents off of Fox Hall Road NW because the young people used to use those hills to slide down and sled and ski. After our first snowstorm, being as efficient as we are, we cleaned those set of streets, and the parents called up and said, "Will you all just leave them like they are because we want our kids to slide down them?" The situations were reversed. But it was not harsh; they were just trying to point out to us that their kids missed the snow. At least this year, we did not worry about that. I went to the Super Bowl in San Diego, and the Redskins beat Denver. I think we are on our way to another Super Bowl.

Senator HARKIN. Sure hope so.

Mayor BARRY. Thank you very much.

PREPARED STATEMENT

Senator HARKIN. Mr. Mayor, thank you very much. Your complete statement will be made part of the record.

[The statement follows:]

Statement of Mayor Barry

I AM PLEASED TODAY TO PRESENT THE DISTRICT'S FISCAL YEAR 1989 BUDGET AS WELL AS THE FISCAL YEAR 1988 SUPPLEMENTAL BUDGET REQUEST. ALTHOUGH SUBMITTING TWO FISCAL YEAR BUDGETS AT ONCE IS UNPRECEDENTED, I BELIEVE THAT THE ECONOMIC AND SOCIAL CHALLENGES FACING OUR COMMUNITY REQUIRE SUCH AN INITIATIVE.

I WILL HIGHLIGHT OUR REQUESTS AND EXPLAIN MORE ABOUT THEM IN A MOMENT. FIRST, HOWEVER, I WOULD LIKE TO REVIEW RECENT FISCAL MANAGEMENT ACHIEVEMENTS AND DISCUSS SOME CONTINUING CONCERNS.

FISCAL RESPONSIBILITY AND IMPROVEMENTS

BALANCED BUDGETS

THROUGHOUT MY TENURE AS MAYOR, MY ADMINISTRATION HAS BEEN STEADFAST IN ITS COMMITMENT TO SOUND FISCAL MANAGEMENT. OUR RECORD SPEAKS FOR ITSELF: JUDGED BY THE MOST STRINGENT ACCOUNTING STANDARDS POSSIBLE, FY 1987 MARKED THE SEVENTH CONSECUTIVE YEAR OF BUDGET BALANCE FOR THE DISTRICT OF COLUMBIA GOVERNMENT. MOREOVER, WITH OUR DUAL BUDGET SUBMISSION, PROVIDING BOTH A REVISED FY 1988 AND A NEW FY 1989 REQUEST, WE HAVE ESTABLISHED THE GROUNDWORK FOR CONTINUED FISCAL RESPONSIBILITY.

DESPITE REDUCED REVENUE EXPECTATIONS AND THE MANY PRESSURES CONFRONTING OUR YOUNG HOME RULE GOVERNMENT--INCLUDING THE WAR ON DRUGS, OUR CORRECTIONAL SYSTEM CRISIS, THE SPECIAL NEEDS OF THE URBAN POOR AND THE HOMELESS, AND DEMANDS FOR TRAINING, EDUCATION, JOBS, AND YOUTH OPPORTUNITIES--THE BUDGETS WE ARE PRESENTING TODAY, ONCE AGAIN, ARE FULLY BALANCED. THEY SKILLFULLY MEET THE NEEDS OF THE PEOPLE OF THE DISTRICT WITHIN THE LIMITS OF AVAILABLE RESOURCES.

CONTAINING DEBT SERVICE COSTS

OUR RESOURCES, OF COURSE, ARE FINITE. AND WE ARE KEENLY AWARE THAT MONEY REQUIRED FOR DEBT SERVICE PAYMENTS IS PROVIDED AT THE EXPENSE OF CURRENT OPERATING PROGRAMS. THUS, CONTAINING DEBT SERVICE COSTS IS A CRITICAL OBJECTIVE OF OUR CAPITAL PROGRAM AND OF OUR OVERALL FINANCIAL MANAGEMENT STRATEGY. IT IS A GOAL THAT WE ARE PURSUING ACTIVELY.

IN FY 1987, WE IMPLEMENTED QUARTERLY CAPITAL PROJECT SPENDING AND SPENDING FORECAST REVIEWS TO BETTER ALLOCATE AVAILABLE CAPITAL FINANCING. WE ARE CONTINUING THOSE REVIEWS IN FY 1988.

WITH MOST MAJOR CONSTRUCTION PROJECTS NOW COMPLETE, OUR FOCUS IS TURNING MORE TO REPAIRING AND REPLACING THE DISTRICT'S INFRASTRUCTURE. WE WILL BE RESIZING OUR CAPITAL PROGRAM TO KEEP OUR DEBT SERVICE MANAGEABLE. WE ARE DETERMINED TO AVOID A SITUATION IN WHICH EXCESSIVE INTEREST PAYMENTS FORCE CURRENT OPERATING BUDGET PROGRAM CUT BACKS OR HINDER OUR ABILITY TO DEAL WITH FUTURE FINANCIAL CHALLENGES.

CONTRACTING AND PROCUREMENT

WHILE WE HAVE ACHIEVED GAINS IN THE FISCAL MANAGEMENT AREA, WE HAVE ALSO MADE GREAT STRIDES IN STRENGTHENING OTHER AREAS. ONE SUCH AREA IS CONTRACTING AND PROCUREMENT. AS YOU KNOW, IMPROVEMENT IN THAT AREA HAS BEEN A CONCERN OF SOME OF THE MEMBERS OF THIS COMMITTEE.

I AM HAPPY TO REPORT THAT THE DISTRICT HAS IMPLEMENTED STRONG LEGISLATION AND REGULATIONS TO ENHANCE THE INTEGRITY OF OUR PROCUREMENT SYSTEM AND THE SPIRIT OF COMPETITION IN THE AWARD OF CONTRACTS. OUR PRIMARY OBJECTIVE IS TO INCREASE THE EFFICIENCY AND

FISCAL ACCOUNTABILITY OF THE PROCUREMENT PROCESS BY DEVELOPING STANDARDIZED PROCEDURES AND TRAINING PROGRAMS.

LAST YEAR WHEN I APPEARED BEFORE YOU, THE DISTRICT WAS IN THE PROCESS OF PROMULGATING RULES AND REGULATIONS TO IMPLEMENT THE D.C. PROCUREMENT PRACTICES ACT, D.C. LAW 6-85. SINCE THAT TIME:

- TWENTY-EIGHT OF THE THIRTY-TWO CHAPTERS OF THE PROCUREMENT REGULATIONS HAVE BEEN APPROVED, PROMULGATED AND IMPLEMENTED.

- REGULATIONS OF THESE TWENTY-EIGHT CHAPTERS WERE ADOPTED BY THE DISTRICT COUNCIL ON FEBRUARY 16, 1988 AND BECAME EFFECTIVE ON FEBRUARY 26, 1988 UPON THE PUBLICATION OF THE NOTICE OF FINAL RULEMAKING IN THE D.C. REGISTER.

- IT IS ANTICIPATED THAT THE FOUR REMAINING CHAPTERS WILL BE DRAFTED DURING FISCAL YEAR 1988. THOSE CHAPTERS INCLUDE AUTOMATIC DATA PROCESSING (CHAPTER 30), APPLICATION OF OTHER LAWS TO DISTRICT CONTRACTS (CHAPTER 43), INVENTORY AND SUPPLY MANAGEMENT (CHAPTER 44) AND MATERIEL MANAGEMENT INFORMATION SYSTEM (CHAPTER 46).

- AN AUTOMATED CONTRACT TRACKING SYSTEM HAS BEEN DEVELOPED TO PROVIDE THE ACCURATE STATUS OF ALL CONTRACT ACTIONS IN ORDER TO PROVIDE TOP MANAGEMENT WITH THE ABILITY TO MONITOR CONTRACTS.

- A COMPUTER-BASED MATERIEL INFORMATION MANAGEMENT SYSTEM HAS BEEN IMPLEMENTED FOR COLLECTING, ORGANIZING, DISSEMINATING AND REPORTING PROCUREMENT DATA. THIS SYSTEM, A COMPONENT OF THE

FINANCIAL MANAGEMENT SYSTEM WILL SERVE AS A DATA BASE FOR PROVIDING BASIC INFORMATION ABOUT CONTRACTS.

- A WARRANT PROGRAM HAS BEEN DEVELOPED FOR ALL CONTRACTING OFFICERS TO PROVIDE SPECIFIC TRAINING FOR PERSONNEL AUTHORIZED TO CONTRACTUALLY BIND THE DISTRICT INCLUDING TRAINING IN PROCUREMENT AND PUBLIC-SECTOR ETHICS.

THESE ARE JUST A FEW OF THE STEPS WE HAVE TAKEN TO DEFINE AND STRENGTHEN THE DISTRICT'S PROCUREMENT PROGRAM. IT IS AN AREA I AM COMMITTED TO AND ONE THAT WE HAVE WORKED VERY HARD TO IMPROVE.

FEDERAL PAYMENT

I WAS PLEASED TO NOTE THAT THE PRESIDENT'S FY 1989 BUDGET, FOR THE FIRST TIME SINCE FY 1985, INCLUDES AN INCREASE IN THE AUTHORIZED FEDERAL PAYMENT FOR THE DISTRICT. FOR THREE CONSECUTIVE YEARS--FY 1986, FY 1987, AND FY 1988--THE AUTHORIZED FEDERAL PAYMENT AMOUNT HAD REMAINED FLAT, AT $425 MILLION.

THE PRESIDENT'S RECOMMENDED INCREASE OF $5.5 MILLION WILL PROVIDE A TOTAL FEDERAL PAYMENT OF $430.5 MILLION FOR FY 1989. HOWEVER, BECAUSE THIS IS SAME LEVEL AS THE CONGRESS APPROPRIATED IN FY 1988, THERE IS NO REAL DOLLAR INCREASE IN THE FEDERAL PAYMENT.

THE $430.5 MILLION RECOMMENDED FOR FY 1989 IS FAR SHORT OF OUR TOTAL REQUEST TO THE PRESIDENT OF $465 MILLION WHICH WE THINK IS AN EQUITABLE AND FAIR AMOUNT FOR THE HIGH COSTS THE DISTRICT INCURS AS THE NATION'S CAPITAL AND THE HOST FOR THE FEDERAL GOVERNMENT.

CURRENTLY THE DISTRICT LOSES ALMOST $1.3 BILLION IN TAX REVENUE ANNUALLY BECAUSE OF THE FEDERAL PRESENCE, A 15 PERCENT INCREASE OVER LOSSES THREE YEARS AGO. YET, THE AUTHORIZED LEVEL HAS REMAINED THE SAME. THIS CANNOT CONTINUE, AND ONE OF THE SOLUTIONS TO THE PROBLEM IS A FORMULA-BASED PAYMENT.

MORE THAN FOUR YEARS AGO, WE PROPOSED A FORMULA-BASED PLAN THAT WOULD SET THE PAYMENT AT 35 PERCENT OF THE SECOND PRECEDING YEAR'S AUDITED LOCAL TAX REVENUE. THOUGH THE PRESIDENT'S FY 1985 BUDGET SUPPORTED THE PRINCIPLE OF A FORMULA PAYMENT, WE HAVE YET TO RECEIVE AN OFFICIAL COMMUNICATION OR RESPONSE FROM THE ADMINISTRATION ON OUR PROPOSED FORMULA.

IN LIGHT OF THE ADMINISTRATION'S APPARENT RELUCTANCE TO MOVE FORWARD ON THIS ISSUE, ONCE AGAIN I MUST SEEK THE ASSISTANCE OF THE CONGRESS IN ESTABLISHING A FORMULA-BASED PAYMENT. WE ARE WILLING TO WORK WITH THE CONGRESS TO ESTABLISH OUR PLAN OR TO DEVELOP A MUTUALLY ACCEPTABLE AND REASONABLE ALTERNATIVE FORMULA. I HOPE THAT THIS COMMITTEE WILL WORK WITH US ON THIS INITIATIVE.

WHILE I THINK THE PRESIDENT SHOULD HAVE PROVIDED A LARGER INCREASE IN THE FEDERAL PAYMENT FOR FY 1989, I URGE YOUR SUPPORT FOR THE ADDITIONAL $5.5 MILLION. IF AUTHORIZED, IT WILL BE USED TO FUND FEDERAL BUREAU OF PRISONS PAYMENT REQUIREMENTS RESULTING FROM OUR EXPANDED EFFORTS TO FIGHT THE WAR ON DRUGS.

FEDERAL WATER & SEWER PAYMENT

ONE OF THE CONCERNS WE RAISED LAST YEAR BEFORE THIS COMMITTEE WAS THE REIMBURSEMENT TO THE DISTRICT FOR WATER AND SEWER SERVICES PROVIDED TO THE FEDERAL GOVERNMENT. WE ARE EXPRESSING THAT SAME CONCERN AGAIN

THIS YEAR BECAUSE, FOR THE SECOND CONSECUTIVE YEAR, THE PRESIDENT'S BUDGET FOR THE DISTRICT CONTAINS NO LUMP-SUM PAYMENT FOR WATER AND SEWER SERVICES.

INSTEAD, THE PRESIDENT'S FY 1989 BUDGET DOCUMENTS STATE THAT LEGISLATION WILL BE SUBMITTED TO AUTHORIZE THE DISTRICT TO BILL THE FEDERAL ESTABLISHMENTS DIRECTLY AND FOR THOSE AGENCIES TO PAY THE DISTRICT DIRECTLY. IN FACT, A GENERAL PROVISION HAS BEEN INSERTED IN THE PRESIDENT'S PROPOSED FY 1989 APPROPRIATIONS LANGUAGE TO ACCOMPLISH THIS AND AN AMENDMENT TO THE PUBLIC WORKS ACT OF 1954 HAS BEEN SUBMITTED TO THE HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA AND THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION.

I DO NOT SUPPORT THE PRESIDENT'S PROPOSAL. ON SEPTEMBER 30, 1987, WHEN I WROTE TO THE OFFICE OF MANAGEMENT AND BUDGET (OMB) ABOUT OUR FY 1989 FEDERAL FUNDS REQUEST, I INDICATED THAT I AGREED WITH THE OPINION RENDERED BY THE COMPTROLLER GENERAL IN APRIL 1987. THAT OPINION STATED THAT THE CURRENT LAW REQUIRES THE FEDERAL GOVERNMENT TO PAY THE DISTRICT FOR WATER AND SEWER SERVICES ONLY THROUGH A DIRECT, LUMP-SUM APPROPRIATION. FURTHERMORE, IT STATED THAT THE DISTRICT DOES NOT HAVE THE AUTHORITY TO COLLECT WATER AND SEWER CHARGES DIRECTLY FROM INDIVIDUAL FEDERAL ENTITIES.

BASED ON THAT OPINION, I REQUESTED THAT THE FY 1989 AMOUNT OF $36,726,000 BE INCLUDED IN THE PRESIDENT'S BUDGET AS A LUMP-SUM APPROPRIATION TO THE DISTRICT FOR THE PAYMENT FOR WATER AND SEWER SERVICES.

IN MY LETTER OF JANUARY 14, 1988, APPEALING THE FY 1989 "PASSBACK," I REITERATED MY POSITION THAT, UNTIL THE LAW IS CHANGED, THE ANNUAL

BUDGET SHOULD INCLUDE THE LUMP-SUM WATER AND SEWER PAYMENT. THEREFORE, I ASKED THAT MY ORIGINAL REQUEST OF $36,726,000 BE RESTORED.

FURTHER, IN MY LETTER TO THE PRESIDENT TRANSMITTING THE DISTRICT'S FY 1989 BUDGET AND FY 1988 SUPPLEMENTAL BUDGET, I RESTATED MY POSITION: THE EXISTING LUMP-SUM APPROPRIATION SHOULD CONTINUE.

ASIDE FROM THE FACT THAT CURRENT LAW PROHIBITS THE BILLING OF FEDERAL AGENCIES, I ALSO POINTED OUT THAT THERE ARE PROBLEMS IN BILLING THE VARIOUS FEDERAL AGENCIES DIRECTLY.

FIRST, THE DISTRICT HAS NO ASSURANCES THAT IT COULD COLLECT THE FUNDS OWED ON A TIMELY BASIS. SECOND, THE DISTRICT HAS NEITHER THE RECOURSE TO ENFORCE COLLECTION NOR THE AUTHORITY TO CUT OFF WATER SERVICE TO THE FEDERAL ESTABLISHMENTS IF BILLS ARE UNPAID. THIRD, THERE ARE NO ASSURANCES THAT ALL FEDERAL AGENCIES HAVE ADEQUATE RESOURCES IN THEIR BUDGET TO PAY THEIR FY 1989 WATER AND SEWER BILLS, PARTICULARLY IN THE FACE OF THEIR NEED TO ABSORB PAY RAISES AND MANAGE OTHER BUDGET REDUCTIONS. AND FOURTH, SERVICE TO BUILDINGS HOUSING MULTIPLE FEDERAL AGENCIES WOULD PRESENT A PROBLEM IN COLLECTION BECAUSE IF THERE IS ONLY ONE METER IN THE BUILDING, WHO WOULD WE BILL? THESE ARE SERIOUS PROBLEMS THAT WOULD HAVE TO BE ADDRESSED BEFORE CONSIDERING ANY CHANGE IN THE CURRENT LAW.

THE LANGUAGE THAT THE PRESIDENT HAS INCLUDED IN THE GENERAL PROVISIONS OF HIS APPROPRIATION ACT DOES NOT ADDRESS ANY OF THESE ISSUES--ESPECIALLY THOSE OF ENFORCEMENT POWERS TO COLLECT THE WATER AND SEWER PAYMENTS AND SANCTIONS IF THE WATER BILLS ARE IN FACT NOT PAID. THE DISTRICT CURRENTLY EMPLOYS VARIOUS SANCTIONS AGAINST

RESIDENTS OR BUSINESSES WHO FAIL TO PAY OR DO NOT PAY ON TIME. HOWEVER, WE THINK THAT APPLYING SUCH SANCTIONS, SUCH AS TERMINATING SERVICES, WOULD NOT BE IN THE BEST INTEREST OF EITHER THE DISTRICT OR FEDERAL GOVERNMENTS.

WHILE WE UNDERSTAND THAT DIRECT BILLING CAN BE ARGUED ON THE GROUNDS OF ACCOUNTABILITY AND EFFICIENCY, WE FEEL THAT THE PROBLEM AREAS WE HAVE POINTED OUT HERE MUST BE ADDRESSED IF THE DISTRICT IS TO MAINTAIN THE FINANCIAL INTEGRITY OF THE WATER AND SEWER UTILITY ENTERPRISE FUND, ESPECIALLY ITS CASH FLOW.

FINALLY, IT HARDLY SEEMS WORTHWHILE TO ABANDON A SIMPLE LUMP-SUM APPROPRIATION IN FAVOR OF A HOST OF BILLS, MANY OF WHICH WILL BE FOR MULTI-AGENCY WATER METERS. THE SQUABBLING THAT MAY ENSUE IS NEITHER IN THE DISTRICT'S NOR THE FEDERAL GOVERNMENT'S INTEREST. WE WANT THE LUMP SUM PAYMENT TO CONTINUE.

FEDERAL IMPOSITION OF COLA INCREASE FOR CIVIL SERVICE RETIREES

WE ALSO TAKE ISSUE WITH THE PRESIDENT'S FY 1989 BUDGET PROPOSAL TO INCREASE THE DISTRICT'S CONTRIBUTION TO THE U.S. CIVIL SERVICE RETIREMENT SYSTEM. THE PROPOSED INCREASE WOULD BE REQUIRED TO COVER COST-OF-LIVING ADJUSTMENTS TO ANNUITANTS' BENEFITS EFFECTIVE OCTOBER 1, 1988. BASED ON OMB'S ESTIMATE, THE REQUEST IS FOR A $4.1 MILLION PAYMENT FROM THE DISTRICT FOR FY 1989, AN AMOUNT THAT IS NOT INCLUDED IN OUR FY 1989 BUDGET. IN THE OUT-YEARS, WE ESTIMATE THAT AMOUNT WOULD RISE TO $10 MILLION IN FY 1990, $15 MILLION IN FY 1991, $19 MILLION IN FY 1992, AND $23 MILLION BY FY 1993.

WE STRONGLY OBJECT TO THE PROPOSED INCREASE. THE DISTRICT NEITHER DECIDES NOR CONTROLS THE LEVEL OF BENEFITS OR THE LEVEL OF FUNDING

FOR THOSE BENEFITS AND SHOULD NOT BE RESPONSIBLE FOR THE MANDATED COSTS. MOREOVER, AT PRESENT, IT IS DIFFICULT TO SEGREGATE BENEFITS ACCRUED TO DISTRICT ANNUITANTS BASED ON DISTRICT SERVICE VERSUS PRIOR FEDERAL SERVICE. FURTHERMORE, MUCH OF THE LIABILITY FOR THESE RETIREMENT COSTS WAS ACCRUED PRIOR TO HOME RULE AND SHOULD REMAIN A FEDERAL RESPONSIBILITY.

TRANSFER OF TITLE FOR THE EMPLOYMENT SERVICES BUILDING

AN ADDITIONAL ITEM THAT I FEEL COMPELLED TO BRING TO THE ATTENTION OF THIS COMMITTEE IS THE TRANSFER OF THE TITLE FOR THE EMPLOYMENT SERVICES BUILDING.

THE EMPLOYMENT SERVICES BUILDING, LOCATED AT 500 C STREET, N.W., WASHINGTON, D.C. WAS CONSTRUCTED BY THE FEDERAL GOVERNMENT IN THE EARLY 1960's TO HOUSE BOTH THE D.C. UNEMPLOYMENT COMPENSATION BOARD AND THE U.S. EMPLOYMENT SERVICE (LATER THE D.C. DEPARTMENT OF MANPOWER). THE DISTRICT OF COLUMBIA TRANSFERRED THE LAND TO THE UNITED STATES GOVERNMENT IN 1961 AT NO COST FOR THE EXPRESS PURPOSE OF HOUSING THE UNEMPLOYMENT COMPENSATION BOARD AND THE EMPLOYMENT SERVICES PROGRAMS IN EXCHANGE FOR PROVIDING THEIR SERVICES TO THE DISTRICT AND ITS RESIDENTS FOR A MINIMUM OF TEN YEARS.

THE BUILDING WAS CONSTRUCTED WITH A $6.8 MILLION LOAN SECURED BY A PROMISSORY NOTE INCLUDING $4.4 IN PRINCIPAL AND $2.8 IN INTEREST. PAYMENTS OF $2.8 MILLION WERE MADE BY THE SECRETARY OF LABOR, USING FUNDS THAT WOULD OTHERWISE HAVE BEEN PROVIDED TO THE DISTRICT'S EMPLOYMENT SERVICES AGENCY. IN 1973, THE DISTRICT ASSUMED DIRECT RESPONSIBILITY FOR THE NOTE AND THE DEPARTMENT OF EMPLOYMENT SERVICES (THE SUCCESSOR OF THE D.C. DEPARTMENT OF MANPOWER) COMPLETED REPAYMENT OF THE NOTE IN MID 1984 USING $4 MILLION FROM GRANT FUNDS.

THE AGREEMENT BETWEEN THE U.S. DEPARTMENT OF LABOR AND THE DISTRICT INCLUDED AN INTENT TO TRANSFER TITLE TO THE BUILDING UPON REPAYMENT OF THE NOTE. LETTERS EXCHANGED BETWEEN THE TWO ENTITIES IN FEBRUARY 1959 VERIFY THIS. HOWEVER, THE U.S. DEPARTMENT OF LABOR HAS NOT TRANSFERRED THE TITLE TO THE DISTRICT. TO EFFECTUATE THE TRANSFER, BILL H.R. 152 IS PENDING IN THE COMMITTEE ON THE DISTRICT OF COLUMBIA TO TRANSFER THE TITLE TO THE DISTRICT.

THE TRANSFER OF THE TITLE IS VERY CRITICAL BECAUSE THE PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION (PADC) PLANS TO CONDEMN THE BUILDING AS A PART OF THE REDEVELOPMENT OF PENNSYLVANIA AVENUE. IF THE DISTRICT HAS TITLE TO THE PROPERTY, THE PADC WOULD HAVE TO COMPENSATE THE DISTRICT FOR THE LAND.

LAST YEAR THE HOUSE-SENATE CONFEREES ON THE FY 1988 D.C. APPROPRIATION BILL TOOK ACTION TO ESTABLISH A MORATORIUM ON ACTION TO CONDEMN THE BUILDING UNTIL AFTER DECEMBER 31, 1988. I AM REQUESTING THE HELP OF THIS COMMITTEE IN ENSURING THAT THE TITLE TO THE BUILDING IS PROPERLY TRANSFERRED TO THE DISTRICT GOVERNMENT BEFORE DECEMBER 31, 1988 IN ORDER TO PROTECT THE DISTRICT'S INVESTMENT IN THE FACILITY AS WELL AS PROVIDE FUNDS TO RELOCATE THE DEPARTMENT OF EMPLOYMENT SERVICES IF NECESSARY.

<u>WINNING THE WAR ON DRUGS</u>

NOW THAT I HAVE TALKED ABOUT CONCERNS RELATIVE TO THIS LOCAL GOVERNMENT, LET ME TURN TO A SUBJECT THAT IS OF GRAVE CONCERN TO ALL OF US. THE DRUG EPIDEMIC. IT IS BECOMING A NATIONAL TRAGEDY AND IF NOT STEMMED, COULD THREATEN THE VERY FABRIC OF OUR SOCIETY.

THE PERSONAL, SOCIAL, AND ECONOMIC DEVASTATION CAUSED BY DRUGS IS, I

BELIEVE, THE GREATEST THREAT TO OUR FUTURE PROSPERITY AS A PEOPLE. THE TOLL IN WASTED HUMAN LIVES AND RESOURCES IS MOUNTING RAPIDLY. WE ARE FACED WITH THE PROSPECT OF LOSING A WHOLE GENERATION TO DRUGS.

OUR YOUNG PEOPLE ARE BEING VICTIMIZED BY DRUG USE AND DRUG-RELATED VIOLENCE. MANY ARE BEING SEDUCED BY THE WEALTH ENGENDERED BY THE DRUG TRADE. SOME ARE TURNING TO CRIME; THE LUCKY ONES ARE GETTING CAUGHT AND GETTING HELP.

WE CANNOT AFFORD TO ALLOW OUR YOUTHS TO DESTROY THEMSELVES. WE CANNOT REST UNTIL WE HAVE DONE EVERYTHING IN OUR POWER TO TURN OUR YOUTH AWAY FROM DRUGS AND TOWARD PRODUCTIVE PURSUITS. WE ALSO CANNOT AFFORD TO TURN OUR BACKS ON THOSE WHO HAVE FALTERED AND ARE NOW INCARCERATED. EX-OFFENDERS MUST BE REHABILITATED. FINALLY, WE CANNOT AFFORD TO PERMIT WHOLE NEIGHBORHOODS TO LANGUISH IN FEAR AND DESOLATION BECAUSE THEY HAVE BECOME DRUG WAR ZONES.

I HAVE TAKEN STEPS TO HELP COMBAT THE WAR ON DRUGS IN THE DISTRICT. OPERATION CLEANSWEEP WAS INITIATED IN 1986 TO DEAL WITH THE STREET LEVEL DRUG ACTIVITY. I HAVE NOW TAKEN THE DRUG WAR TO A HIGHER LEVEL. ON FEBRUARY 12, 1988, I ANNOUNCED "OPERATION FIGHT BACK." IT IS A COMPREHENSIVE, TWO-PHASED EFFORT TO MOBILIZE THE ENTIRE DISTRICT GOVERNMENT AND THE COMMUNITY TO FIGHT THE WAR ON DRUGS.

"OPERATION FIGHT BACK," PHASE I, REPRESENTS THE DISTRICT GOVERNMENT'S PART OF THE EFFORT. IT IS BASED ON THREE PRINCIPLES:

1. PREVENTION - THE DISTRICT ADAMANTLY OPPOSES THE USE OF ILLEGAL DRUGS AND WILL BRING ALL OF ITS RESOURCES TO DISCOURAGE ITS CITIZENS FROM USING ILLEGAL DRUGS.

2. TREATMENT - THE DISTRICT WILL PROVIDE TIMELY TREATMENT AND REHABILITATION TO DRUG USERS WHO SEEK TO END THEIR ABUSE OF DRUGS; AND

3. ENFORCEMENT - THE DISTRICT WILL SUPPRESS THE DRUG TRADE WITHIN THE CITY AT ALL LEVELS.

THE STRATEGY INVOLVES THIRTY-SIX INITIATIVES THAT ARE GROUPED UNDER SIGNIFICANT AREAS OF RESPONSIBILITY FOR THE GOVERNMENT. THESE AREAS INCLUDE PUBLIC HOUSING, EDUCATION, EMPLOYEE CONDUCT, GOVERNMENT REGULATION, AND LEGISLATION AS THEY RELATE TO THE PRINCIPLE OF PREVENTION; THE CORRECTIONAL AND PAROLE SYSTEMS, GOVERNMENT EMPLOYEES, AND THE GENERAL PUBLIC UNDER THE PRINCIPLE OF TREATMENT; AND THE TARGETING, UNDER THE PRINCIPLE OF ENFORCEMENT, OF STREET DRUG SALES, MID-LEVEL DISTRIBUTORS AND HIGHER-LEVEL MANUFACTURERS, AS WELL AS PROPOSALS FOR LEGISLATIVE AND ADMINISTRATIVE ACTIONS.

OPERATION FIGHT BACK, PHASE II, IS THE COMMUNITY'S EFFORTS. IT ALSO HAS THREE OBJECTIVES. THEY ARE:

1. TO SOLICIT FROM THE COMMUNITY WAYS IN WHICH THE GOVERNMENT AND THE COMMUNITY WORKING TOGETHER CAN ENHANCE EFFORTS TO COMBAT DRUGS,

2. TO IDENTIFY SPECIFIC ROLES THAT VARIOUS SEGMENTS OF THE COMMUNITY CAN PLAY IN THIS EFFORT, AND

3. TO PROMOTE THE DEVELOPMENT OF PROGRAMS OR PROJECTS THAT WILL ENABLE THE COMMUNITY TO ADDRESS THE DRUG PROBLEM MOST EFFECTIVELY.

SOME OF THE GROUPS OF CENTRAL IMPORTANCE TO THIS EFFORT ARE: THE RELIGIOUS COMMUNITY, THE NEWS MEDIA, THE ADVISORY NEIGHBORHOOD COMMISSIONS, COMMUNITY GROUPS AND BLOCK CLUBS, THE BOARD OF TRADE, THE MAYOR'S YOUTH LEADERSHIP INSTITUTE, OTHER YOUTH GROUPS, AND THE POLICE DISTRICT ADVISORY BOARD.

THIS PHASE RECOGNIZES THAT THE DISTRICT OF COLUMBIA GOVERNMENT, ALONE, CANNOT STEM THE FLOOD OF ILLICIT DRUGS INTO THIS CITY OR THE SALE AND USE OF THOSE DRUGS. IN ORDER FOR "OPERATION FIGHT BACK" TO BE EFFECTIVE AND TO MAKE IT CLEAR THAT THIS IS A STRUGGLE TO WHICH WE ARE COMMITTING OUR GOVERNMENT AND OUR COMMUNITY, COMMUNITY INVOLVEMENT MUST BE DEVELOPED AND UTILIZED.

HOWEVER, CITY GOVERNMENTS CANNOT MANAGE THE PROBLEM ALONE. WE NEED FEDERAL ASSISTANCE IN COMBATING DRUG ABUSE AND THE CONDITIONS THAT HELP BREED IT. WE NEED MORE FUNDS TO ENFORCE THE NATION'S DRUG TRAFFICKING STATUTES. WE NEED MORE MONEY FOR JOB DEVELOPMENT, JOB TRAINING, HOUSING, EDUCATION, AND HUMAN SUPPORT PROGRAMS. THE FEDERAL GOVERNMENT MUST REVERSE ITS COURSE NOW ON FUNDING FOR THE INNER CITIES.

WE ARE DOING OUR PART. WILL YOU DO YOURS? IT IS TIME FOR GREATER FEDERAL INVOLVEMENT.

THE FY 1989 BUDGET REQUEST HIGHLIGHTS

TURNING TO THE BUDGETS THAT ARE BEFORE YOU, FOR FISCAL YEAR 1989 THE DISTRICT IS REQUESTING AN APPROPRIATED GENERAL FUND OPERATING BUDGET OF $2,826,725,000, AN INCREASE OF $203,983,000 OVER THE ORIGINAL FY 1988 APPROVED BUDGET. BY MAJOR FUNDING AREA, THE PROPOSED FY 1989 BUDGET WILL PROVIDE:

- $744.9 MILLION FOR A BROAD RANGE OF HUMAN SUPPORT ACTIVITIES, INCLUDING PROGRAMS FOR THE ELDERLY, DAY CARE, YOUTH SERVICE, DRUG ABUSE CLINICS, SHELTER FOR THE HOMELESS, COMPREHENSIVE MENTAL HEALTH CARE, AND FAMILY EMERGENCY ASSISTANCE;

- $623.4 MILLION TO EXPAND THE PROGRESS OF OUR PUBLIC SCHOOL SYSTEM AND UNIVERSITY, KEEP OUR NEIGHBORHOOD LIBRARIES OPEN AND UP TO DATE, AND PROVIDE OTHER EDUCATION-RELATED ACTIVITIES;

- $730.1 MILLION FOR OUR FIRE AND POLICE PROTECTION, OUR AMBULANCE SERVICE, OUR WAR ON DRUGS, AND SUPPORT FOR OUR OVERBURDENED CRIMINAL JUSTICE SYSTEM;

- $144.6 MILLION FOR NEIGHBORHOOD BUSINESS AND COMMUNITY DEVELOPMENT INITIATIVES, FINANCIAL SUPPORT FOR HOME BUYERS AND APARTMENT RENTERS, PUBLIC HOUSING IMPROVEMENTS, AND JOB TRAINING OPPORTUNITIES;

- $218.9 MILLION TO MAINTAIN SIDEWALKS AND STREETS, REMOVE SNOW, BEAUTIFY PARKS, AND KEEP OUR COMMUNITY CLEAN;

- $246.4 MILLION FOR A VARIETY OF FINANCING REQUIREMENTS, PRIMARILY INTEREST PAYMENTS; AND

- $118.4 MILLION--ONLY ABOUT 4 PERCENT OF THE TOTAL REQUEST--FOR CENTRAL ADMINISTRATIVE FUNCTIONS OF GOVERNMENT.

SUCH A SIMPLE LISTING CANNOT ADEQUATELY CONVEY THE IMPORTANCE AND HUMAN IMPACT BEHIND THE NUMBERS.

BUDGETS ARE ABOUT PEOPLE, NOT NUMBERS.

AND THIS GOVERNMENT IS A PARTNERSHIP WITH THE PEOPLE TO CREATE OPPORTUNITIES FOR INDIVIDUALS AND FAMILIES, AS WELL AS ACHIEVE EXCELLENCE AS A COMMUNITY.

MEETING BASIC NEEDS

BUT BEFORE PEOPLE CAN TAKE ADVANTAGE OF THEIR OPPORTUNITIES, THEY FIRST MUST HAVE SUFFICIENT FOOD, DECENT SHELTER, AND ADEQUATE HEALTH CARE. THUS, THE DISTRICT'S FY 1989 REQUEST RESPONDS TO BASIC HUMAN NEEDS. IT INCLUDES:

- $17.9 MILLION FOR THE HOMELESS, AN INCREASE OF $10.2 MILLION, GREATLY EXPANDING FUNDING FOR EMERGENCY SHELTER AND SUPPORT SERVICES;

- $6.9 MILLION FOR EMERGENCY ASSISTANCE TO PROVIDE EMERGENCY CASH PAYMENTS TO FAMILIES AND INDIVIDUALS TO PREVENT HOMELESSNESS OR FAMILY SEPARATIONS;

- $103.1 MILLION FOR BASIC FINANCIAL SUPPORT FOR AID TO FAMILIES WITH DEPENDENT CHILDREN, GENERAL PUBLIC ASSISTANCE, SUPPLEMENTAL SECURITY INCOME, DISABILITY AND UNEMPLOYMENT COMPENSATION, AND FOSTER CARE SUPPORT.

- $145.8 MILLION FOR MEDICAID AND HOSPITAL SERVICES TO BENEFIT THE ELDERLY, DISABLED, AND FAMILIES WITH CHILDREN LIVING IN POVERTY AND TO PROVIDE HOSPITAL CARE FOR THE INDIGENT;

- $27.2 MILLION FOR LONG-TERM NURSING CARE, AN INCREASE OF $2.6

MILLION, TO MEET 24-HOUR NURSING CARE NEEDS AND ENSURE CONTINUED PERSONAL-CARE AIDE SERVICES FOR HOMEBOUND PATIENTS;

- $19.8 MILLION FOR COMMUNITY HEALTH CLINICS, PROVIDING SUCH SERVICES AS MATERNAL AND CHILD CARE, HEALTH SCREENING, DENTAL CARE, AND PHARMACY SERVICES FOR ANY RESIDENT REGARDLESS OF THE ABILITY TO PAY;

- $108.6 MILLION FOR MENTAL HEALTH SERVICES, INCLUDING A $10 MILLION INCREASE TO OFFSET REDUCED FEDERAL FUNDING FOR SAINT ELIZABETHS HOSPITAL AND TO PROVIDE COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES; AND

- $6.3 MILLION, A 70 PERCENT INCREASE, FOR AIDS PREVENTION AND TREATMENT, INCLUDING DRUG ASSISTANCE, HOME CARE SERVICES, AND HOUSING FOR AIDS VICTIMS, AS WELL AS A COMPREHENSIVE PUBLIC EDUCATION, TESTING, AND PREVENTION PROGRAM.

SAVING OUR YOUTHS

OUR YOUTHS ARE THE FUTURE OF THIS GREAT CITY, AND WE BELIEVE IN INVESTING IN THAT FUTURE. THUS, OUR BUDGET PROVIDES SUBSTANTIAL RESOURCES TO KEEP YOUNG PEOPLE OFF THE STREETS, AWAY FROM DRUGS, AND OUT OF TROUBLE.

THE REQUEST INCLUDES $34.9 MILLION FOR RECREATION TO OPERATE MORE THAN 100 RECREATION CENTERS ACROSS THE CITY AND PROVIDE SPECIALIZED PROGRAMS FOR YOUTHS, INCLUDING:

- PROJECT "OSAY" (OPERATING SERVICES ASSISTING YOUTH) THAT WILL OFFER RECREATION, COUNSELING, TEEN-CLUB ACTIVITIES, TUTORIAL SERVICES, AND

HEALTH AND DRUG ABUSE SERVICES TO ABOUT 8,000 YOUTH, AGES 9-21, RESIDING IN PUBLIC HOUSING PROJECTS;

- THE ROVING LEADER PROGRAM THAT WILL PROMOTE CONSTRUCTIVE LEISURE-TIME ALTERNATIVES FOR 5,000 YOUTHS, AGES 9-17, AND HELP THEM USE COMMUNITY EDUCATION, HEALTH, EMPLOYMENT, AND SOCIAL SERVICES TO BETTER THEIR LIVES; AND

- THE CINEMA PROGRAM THAT WILL SERVE 9,600 YOUNG PEOPLE, AGES 8-13, OFFERING COUNSELING AND EMPLOYMENT SERVICES, SPONSORING TRIPS AND SPECIAL EVENTS, AND PROVIDING INFORMATIONAL ACTIVITIES ON SUBSTANCE ABUSE, SEXUALLY TRANSMITTED DISEASES, INCLUDING AIDS, AND TEENAGE PREGNANCY PREVENTION.

ALSO FEATURED IN OUR REQUEST IS $31.4 MILLION, ALMOST A $2 MILLION INCREASE, FOR THE YOUTH EMPLOYMENT ACT JOB AND TRAINING PROGRAMS, INCLUDING:

- PROJECT SUCCESS, WHICH GUARANTEES A JOB OR JOB TRAINING OPPORTUNITY TO ANY HIGH SCHOOL SENIOR WHO NEEDS THE HELP, AND

- PROJECT "TEEN PREP," WHICH WILL PROVIDE 2,500 12- AND 13-YEAR-OLD-YOUTHS WITH SPECIAL SUMMER OCCUPATIONAL ENRICHMENT EXPERIENCES AND, IN COORDINATION WITH PROJECT OSAY, WILL ENROLL PARTICIPANTS IN ORGANIZED YOUTH CLUB ACTIVITIES.

MOREOVER, OUR REQUEST INCLUDES $.9 MILLION FOR YOUTH LEADERSHIP TO CONTINUE THE MAYOR'S YOUTH LEADERSHIP INSTITUTE EXPERIENCE FOR 500 JUNIOR AND SENIOR HIGH STUDENTS.

AND TO RECLAIM YOUNG LIVES AND FULFILL OUR RESPONSIBILITIES UNDER THE

JERRY M. DECREE, WE ARE REQUESTING $36.3 MILLION, NEARLY A 35 PERCENT INCREASE, FOR REHABILITATING JUVENILE OFFENDERS.

EDUCATING FOR TODAY AND TOMORROW

ANOTHER AREA OF CRITICAL IMPORTANCE TO OUR YOUTHS IS EDUCATION AND THIS BUDGET REAFFIRMS THE DISTRICT'S COMMITMENT TO ITS PUBLIC SCHOOLS AND OTHER INSTITUTIONS OF LEARNING. THE REQUEST INCLUDES:

- $452.4 MILLION FOR THE BOARD OF EDUCATION, AN INCREASE OF $38.8 MILLION, TO SUSTAIN THE PROGRESS OF OUR PUBLIC SCHOOL SYSTEM FOR MORE THAN 87,000 PRÉ-KINDERGARTEN THROUGH HIGH SCHOOL STUDENTS. MOREOVER, THE BOARD OF EDUCATION WILL HAVE AVAILABLE $24.5 MILLION IN CAPITAL PROGRAM FINANCING TO REPAIR AND RENOVATE SCHOOL FACILITIES.

- ALSO FUNDED IS $70.1 MILLION, AN INCREASE OF $7.8 MILLION, FOR TEACHER RETIREMENT BENEFITS.

FOR OTHER KEY INSTITUTIONS OF LEARNING, WE ARE REQUESTING:

- $78.2 MILLION FOR HIGHER EDUCATION, AN INCREASE OF $4.5 MILLION TO FURTHER THE EDUCATION OF PUBLIC COLLEGE AND LAW SCHOOL STUDENTS; AND

- $18.5 MILLION FOR OUR LIBRARIES, AN INCREASE OF $1.5 MILLION, TO EXPAND LIFE-LONG LEARNING OPPORTUNITIES TO EVERY RESIDENT.

BATTLING DRUGS AND ENSURING PUBLIC SAFETY

AS I STATED EARLIER, THERE IS NO GREATER THREAT TO OUR YOUTHS THAN DRUGS. NOT ONLY DO DRUGS THREATEN OUR YOUNG PEOPLE, THEY THREATEN THE VERY SOUL OF OUR CITY. WINNING THE WAR ON DRUGS IS ONE OF THE TOP PRIORITIES OF MY ADMINISTRATION; IT IS A BATTLE WE CANNOT AFFORD TO LOSE.

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TO WAGE THE WAR, THE DISTRICT IS REQUESTING:

- $207.2 MILLION FOR THE METROPOLITAN POLICE DEPARTMENT, AN INCREASE OF $28.3 MILLION TO ENHANCE THE DRUG ENFORCEMENT EFFORTS TO GET THE PUSHERS OFF OUR STREETS AND OUT OF OUR SCHOOLS;

- $28.9 MILLION, AN INCREASE OF ALMOST $2 MILLION, FOR DRUG AND ALCOHOL ABUSE TREATMENT, COUNSELING, AND OTHER SERVICES, INCLUDING SPECIAL OUTREACH PROGRAMS TO REDUCE THE NEED FOR ENFORCEMENT AND TREATMENT EFFORTS THROUGH DRUG EDUCATION CLASSES, TEACHER TRAINING, AND SPECIAL DRUG AWARENESS EVENTS.

WE HOPE THAT OUR DRUG TREATMENT, EDUCATION, AND COUNSELING SERVICES WILL HELP TO ABATE THE DRUG EPIDEMIC, BUT OUR REQUESTED INCREASE FOR THE METROPOLITAN POLICE DEPARTMENT REFLECTS OUR DEDICATION TO WINNING THE WAR ON DRUGS NO MATTER THE COST.

UNFORTUNATELY, THE SUCCESS OF OUR LAW ENFORCEMENT EFFORTS CONTINUES TO CREATE FURTHER BUDGETARY PRESSURES TO PROVIDE FOR OUR CORRECTIONAL SYSTEM. TO MEET THAT EVER-INCREASING OBLIGATION, WE MUST REQUEST $191.9 MILLION, AN INCREASE OF $12 MILLION, FOR THE DEPARTMENT OF CORRECTIONS.

IMPROVED EMERGENCY AMBULANCE RESPONSE

ANOTHER VITAL PUBLIC HEALTH AND SAFETY AREA, ALSO AFFECTED BY SIGNIFICANT NEW FUNDING PRESSURES, IS OUR FIRE AND AMBULANCE SERVICE. GROWTH IN THE DEMAND FOR AMBULANCE SERVICE HAS INCREASED OVER 45 PERCENT SINCE FY 1983, AND THAT GROWTH THREATENS TO OVERWHELM CURRENTLY AVAILABLE EQUIPMENT AND PERSONNEL RESOURCES.

TO KEEP UP WITH DEMAND, WE HAVE INITIATED A SERIES OF VERY IMPORTANT IMPROVEMENTS, SUCH AS RECRUITING A TOP PROFESSIONAL MEDICAL SERVICES

MANAGER, PROVIDING BETTER PAY TO ATTRACT AND RETAIN WELL-QUALIFIED PARAMEDICS AND EMERGENCY MEDICAL TECHNICIANS, REORGANIZING THE AMBULANCE SERVICE'S MANAGEMENT, INCREASING MANAGEMENT SUPPORT RESOURCES, AND DEVELOPING A NEW COMMUNICATIONS SYSTEM.

TO CONTINUE OUR PROGRESS IN FY 1989, THE DISTRICT IS REQUESTING $86.5 MILLION, AN INCREASE OF $12.6 MILLION, FOR THE FIRE AND AMBULANCE SERVICE. THIS INCREASE WILL:

- CONTINUE TO UPGRADE ALL AMBULANCES FROM BASIC LIFE SUPPORT TO ADVANCED LIFE SUPPORT CAPABILITY;
- PROVIDE MORE AMBULANCE AND FIRST-AID SUPPLIES;
- PROVIDE PERMANENT FUNDING FOR 32 PARAMEDIC AND MEDICAL PERSONNEL REQUESTED IN THE FY 1988 SUPPLEMENTAL BUDGET;
- INSTITUTE A STRESS MANAGEMENT PROGRAM FOR EMERGENCY PERSONNEL;
- IMPROVE AMBULANCE VEHICLE MAINTENANCE; AND
- STRENGTHEN OUR EMERGENCY RESPONSE CAPABILITY WITH NEW COMMUNICATIONS EQUIPMENT AND 33 NEW COMMUNICATIONS POSITIONS.

BUILDING SELF-SUFFICIENCY

THE DISTRICT IS SERIOUS ABOUT MEETING ITS PUBLIC HEALTH AND SAFETY RESPONSIBILITIES. AND IT ALSO MEANS "BUSINESS" WHEN IT COMES TO PROMOTING COMMERCIAL DEVELOPMENT, CREATING JOBS, AND FILLING THOSE JOBS WITH DISTRICT RESIDENTS.

WE RECOGNIZE THAT BUSINESS MEANS JOBS, AND THAT MORE JOBS MEAN MORE OPPORTUNITIES FOR SELF-SUFFICIENT LIVING. THUS, WE ARE REQUESTING:

- $10.8 MILLION FOR BUSINESS AND COMMERCIAL DEVELOPMENT LOANS, MINORITY BUSINESS ENTERPRISE, AND INTERNATIONAL BUSINESS PROMOTION; AND

- $42 MILLION FOR EMPLOYMENT SERVICES TO ENROLL OVER 40,000 JOB SEEKERS IN TRAINING PROGRAMS AND PLACE THEM IN JOBS.

  -- NEARLY THREE-FOURTHS ($31.4 MILLION) OF OUR EMPLOYMENT SERVICES FUNDING WILL BE DEDICATED TO YOUTH EMPLOYMENT ACT JOB AND TRAINING PROGRAMS;

  -- WE WILL OPERATE A DOWNTOWN SERVICE CENTER AND SEVEN NEIGHBORHOOD CENTERS, INCLUDING A LATINO EMPLOYMENT CENTER IN ADAMS-MORGAN; AND

  -- SPECIAL RESOURCES WILL BE TARGETED ON AFDC RECIPIENTS THROUGH SUCH EFFORTS AS "PROJECT SMART" (SINGLE MOTHERS ARE RESOURCES TOO).

MOREOVER, WE WILL PROVIDE $20.6 MILLION FOR DAY CARE--AN ADDITIONAL $3 MILLION--TO ALLOW THE PARENTS OF MORE THAN 7,000 YOUNGSTERS TO HOLD JOBS AND SUSTAIN THEIR FAMILIES.

ADDRESSING OUR HOUSING NEEDS

THE COMMUNITY-WIDE DEMAND FOR ADEQUATE, DECENT, AND AFFORDABLE HOUSING ALSO IS ADDRESSED IN OUR BUDGET PROPOSALS. TO STRENGTHEN OUR EFFORTS, THIS BUDGET ESTABLISHES A NEW DEPARTMENT OF PUBLIC AND ASSISTED HOUSING IN ADDITION TO OUR DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND THE HOUSING FINANCE AGENCY. TOTAL REQUESTED FUNDING FOR THOSE AGENCIES IS $44.6 MILLION, INCLUDING:

- $10.3 MILLION FOR THE TENANT ASSISTANCE PROGRAM TO LOWER THE HIGH COST OF HOUSING FOR APPROXIMATELY 2,600 FAMILIES AND INDIVIDUALS AND PROVIDE HOUSING FOR OUR HOMELESS;

- $10.5 MILLION TO FUND OTHER PUBLIC HOUSING OPERATIONS AND IMPROVEMENTS, INCLUDING OUR RESIDENT MAINTENANCE PROGRAM AND NEW ONE-STEP CLIENT SERVICE CENTER;

- $7.1 FOR THE HOME PURCHASE ASSISTANCE PROGRAM (HPAP) TO EXPAND HOME OWNERSHIP OPPORTUNITIES FOR LOW- AND MODERATE-INCOME RESIDENTS THROUGHOUT THE CITY, WITH SPECIAL EMPHASIS ON WARD 8;

- $2.2 MILLION FOR MORTGAGE FINANCING AND APARTMENT DEVELOPMENT SUPPORT TO PROVIDE MORTGAGES AT BELOW-MARKET RATES FOR LOW-INCOME FAMILIES AND TO BOOST MULTI-FAMILY RENTAL HOUSING DEVELOPMENT;

- $2.2 MILLION FOR THE HOMESTEAD PROGRAM TO ACQUIRE ABANDONED AND BLIGHTED HOME SITES AND MAKE THEM AVAILABLE TO PEOPLE COMMITTED TO RENOVATING AND LIVING IN THEM;

- $2.4 MILLION TO PROVIDE BELOW-MARKET-RATE LOANS FOR REVITALIZING NEGLECTED HOMES AND APARTMENT BUILDINGS AND HELPING TO STABILIZE NEIGHBORHOODS; AND

- $1.0 MILLION IN FINANCIAL ASSISTANCE FOR DEVELOPING HOUSING FOR THE DISABLED, ELDERLY, AND DEPENDENT, INCLUDING SPECIAL FUNDING FOR HOUSING SERVICES FOR AIDS VICTIMS.

ASSISTING SENIOR CITIZENS

LAST BUT NOT LEAST, I CANNOT FORGET OUR SENIOR CITIZENS. WE ALL OWE A GREAT DEBT TO THEM. THEY ARE ONE OF OUR MORE VALUABLE RESOURCES, AND THIS BUDGET REQUESTS $13.7 MILLION FOR THE OFFICE ON AGING TO SUSTAIN ITS EXEMPLARY NETWORK OF NUTRITION, TRANSPORTATION, HEALTH CARE, AND SOCIAL SERVICE PROGRAMS.

THIS FUNDING IS IN ADDITION TO THE VERY EXTENSIVE AMOUNTS IN MY REQUEST FOR THE DEPARTMENT OF HUMAN SERVICES FOR MEDICAID, LONG-TERM NURSING CARE, NURSING HOMES, AND SUPPLEMENTAL INCOME PROGRAMS.

THE MAJOR REQUESTED INCREASES INCLUDE:

- $37.1 MILLION FOR THE DEPARTMENT OF HUMAN SERVICES FOR INCREASED COSTS OF FOSTER CARE ($8 MILLION), SHELTER FOR THE HOMELESS ($4.8 MILLION), IMPROVED YOUTH SERVICES UNDER THE JERRY M. DECREE ($5.6 MILLION), DRUG ABUSE PREVENTION AND TREATMENT ($2.6 MILLION), DAY CARE ($2 MILLION), EMERGENCY CASH ASSISTANCE ($2 MILLION), PREVENTIVE HEALTH, INCLUDING TEENAGE PREGNANCY PREVENTION ($.7 MILLION), AND A VARIETY OF OTHER RELATED NEEDS TOTALLING $11.4 MILLION;

- $9.5 MILLION FOR THE METROPOLITAN POLICE DEPARTMENT TO PROVIDE AN ADDITIONAL 38 OFFICERS TO EXPAND OUR WAR ON DRUGS, MEET INCREASED PAY NEEDS, AND IMPROVE THE DEPARTMENT'S COMPUTER OPERATIONS;

- $9.1 MILLION FOR THE FIRE DEPARTMENT TO MEET OVERTIME COSTS AND IMPROVE AMBULANCE SERVICE PRIMARILY BY HIRING 32 MORE PARAMEDICS, UPGRADING AMBULANCES TO ADVANCED LIFE SUPPORT STATUS, PURCHASING ADDITIONAL MEDICAL SUPPLIES, AND IMPROVING COMMUNICATIONS;

- $8 MILLION FOR THE DEPARTMENT OF CORRECTIONS TO CARE FOR INCARCERATED RESIDENTS AND PROVIDE FOR THEIR REHABILITATION, INCLUDING IMPROVED MEDICAL AND DRUG ABATEMENT PROGRAMS;

- $6.9 MILLION FOR OTHER UNANTICIPATED PUBLIC SAFETY COSTS, INCLUDING COSTS FOR THE COURT SYSTEM, PAROLE BOARD, AND SETTLEMENTS AND JUDGMENTS; AND

- $44.4 MILLION FOR THE ESTIMATED COSTS OF EMPLOYEE PAY RAISES, INCLUDING $10 MILLION FOR THE BOARD OF EDUCATION.

THE $81 MILLION IN BUDGET REDUCTIONS PROPOSED BY THE DISTRICT TO BALANCE THE BUDGET WILL CAUSE SOME SACRIFICES AND BELT TIGHTENING. HOWEVER, EVERY EFFORT WILL BE MADE TO MAINTAIN CURRENT PROGRAMS AND SERVICES. VACANT POSITIONS, PROGRAM INITIATIVES APPROVED BUT NOT YET IMPLEMENTED, AND EQUIPMENT PURCHASES WILL ABSORB THE BRUNT OF THE REDUCTIONS.

CAPITAL BUDGET REQUESTS - FY 1988 SUPPLEMENTAL AND FY 1989 BUDGET REQUESTS

IN ADDITION TO ITS OPERATING BUDGET REQUEST, THE DISTRICT ALSO HAS SUBMITTED REQUESTS FOR NEW CAPITAL BUDGET AUTHORITY. FOR FY 1988 WE ARE REQUESTING AN ADDITIONAL $16,840,000 IN BUDGET AUTHORITY FOR NEW EQUIPMENT FOR D.C. GENERAL HOSPITAL, PURCHASE OF A HALFWAY HOUSE FOR FEMALE OFFENDERS, AND A RANGE OF WATER AND SEWER IMPROVEMENTS.

THE FY 1989 CAPITAL BUDGET REQUEST IS $162,536,000 IN NEW AUTHORITY, INCLUDING $138,336,000 IN GENERAL FUND PROJECTS AND $24,200,000 IN WATER AND SEWER FUND PROJECTS. OUR REQUEST PROVIDES FOR NEEDS IN A VARIETY OF AREAS:

HOUSING AND COMMUNITY DEVELOPMENT

- $18 MILLION FOR PUBLIC HOUSING IMPROVEMENTS;

- $15.5 MILLION FOR PROJECTS TO AID DEVELOPMENT AT SITES SUCH AS FORT LINCOLN AND ACQUIRE LAND TO PROMOTE PRIVATE INVESTMENT IN HOUSING CONSTRUCTION AND REHABILITATION;

- $6.6 MILLION TO CONTINUE NEIGHBORHOOD REVITALIZATION THROUGH INFRASTRUCTURE IMPROVEMENTS AND REHABILITATION OF FACILITIES AT COMMERCIAL SITES;

PUBLIC SAFETY

- $7.5 MILLION TO RENOVATE SPACE AND UPGRADE THE COMPUTER USED FOR THE FIRE AND AMBULANCE COMMUNICATIONS DISPATCH SYSTEM;

- $6.5 MILLION FOR A RANGE OF OTHER PUBLIC SAFETY NEEDS, PRIMARILY FOR COURT SYSTEM AND CORRECTIONAL FACILITY IMPROVEMENTS;

HUMAN SUPPORT SERVICES AND PUBLIC EDUCATION

- $5 MILLION FOR GENERAL IMPROVEMENTS AT D.C. VILLAGE;

- $4.6 MILLION TO COMPLETE RENOVATION OF THE WASHINGTON CENTER FOR AGING SERVICES;

- $1.2 MILLION FOR EDUCATIONAL SYSTEM IMPROVEMENTS;

- $1.0 MILLION FOR PAY-AS-YOU-GO RECREATIONAL FACILITY UPKEEP;

PUBLIC WORKS

- $47.1 MILLION FOR TRANSPORTATION PROJECTS;

- $8.9 MILLION FOR ENVIRONMENTAL SUPPORT FACILITIES, INCLUDING $4.7 MILLION IN PAY-AS-YOU-GO PURCHASES OF SNOW PLOWS, GARBAGE TRUCKS, AND OTHER MAJOR EQUIPMENT;

- $8.7 MILLION FOR GOVERNMENTAL BUILDING PROJECTS; AND

- $24.2 MILLION FOR WATER AND SEWER WORKS TO BE PAID FOR BY THE ENTERPRISE FUND.

SUMMARY

OUR FY 1989 AND FY 1988 SUPPLEMENTAL BUDGET REQUESTS ARE FISCALLY SOUND PROPOSALS THAT PUT THE PRIORITIES WHERE THEY BELONG: ON PEOPLE PROGRAMS THAT REFLECT OUR CONCERN FOR FAMILIES AND NEIGHBORHOODS, OUR CARING FOR THOSE IN NEED, AND CITIZENS' DEMAND FOR SERVICE EXCELLENCE.

OUR REQUESTS REINFORCE OUR PROGRESS IN EDUCATION, YOUTH OPPORTUNITIES, AND SENIOR CITIZEN SERVICES. THEY KEEP THE PRESSURE ON DRUG DEALERS. THEY CONTINUE OUR NATIONAL LEADERSHIP IN YEAR-ROUND AND SUMMER JOB PROGRAMS FOR YOUTHS, HOME PURCHASE ASSISTANCE, TENANT ASSISTANCE, AND COMPREHENSIVE HOUSING RENOVATION PROGRAMS. AND THEY LOOK AFTER OUR SICK, FEED OUR HUNGRY, AND SHELTER OUR HOMELESS.

WE HAVE DONE OUR BEST TO PROVIDE FOR ALL OF THESE NEEDS WITHIN THE LIMITS OF AVAILABLE RESOURCES.

HOWEVER, AS I HAVE POINTED OUT IN THIS TESTIMONY, WE CANNOT DO IT ALL ALONE. CITIES NEED HELP FROM THE FEDERAL GOVERNMENT, ESPECIALLY IN COMBATING THE DRUG EPIDEMIC AND THE CONDITIONS THAT FOSTER IT. MY HOPE IS THAT THE CONGRESS--OUR PARTNER IN GOVERNMENT--WILL PROVIDE THE ADDITIONAL FUNDS NECESSARY NOT ONLY TO FIGHT THE WAR ON DRUGS, BUT TO ACTUALLY WIN THE BATTLE.

I HAVE APPRECIATED THIS OPPORTUNITY TO TESTIFY BEFORE THE COMMITTEE. I LOOK FORWARD TO WORKING WITH YOU IN SATISFACTORILY RESOLVING THE ISSUES I HAVE DISCUSSED HERE TODAY. THANK YOU FOR YOUR CONSIDERATION.

COLLABORATIVE WORKING RELATIONSHIP WITH THE COMMITTEE

Senator HARKIN. Let me just also add that I have enjoyed working with you and your office in the last year-and-a-half that I have been chairman of this subcommittee, and the 2 years before that when I was a minority member of it. It has been a good working relationship. In the spirit of home rule and my respect for home rule of the District of Columbia, I have not tried in any way to get involved in any of the District's activities in terms of budgeting and budgeting priorities—that is for you and the District Council to decide—except where the federal interests sometimes coincide with the District's.

We are together here in this city. Sometimes there is a federal interest in something, and a District interest also. Sometimes those coincide. Sometimes they may be a little bit at odds, but not very often. But the relationship has been good, and I appreciate it very much. Your staff has been wonderful working with my staff up here.

Again, I also want to congratulate you. I think from what I see and from what I read, and just normal absorbing of what is going on around here, that you have been conducting and slowly winning—obviously not won—but a war on drugs in this city. I think what you have been doing has been very remarkable. The Operation Clean Sweep that you had, some of the programs you have initiated here, I think they really do begin to set a standard for other urban areas.

Again, as you point out in your testimony, the federal government has an involvement in this, too. Not just in the District, but nationwide we have an interest in doing something about the increasing drug problem in this country. Perhaps, as you again indicate in your testimony, this is an area where, because of our coincidental interest in this area, perhaps the federal government might want to be involved with the District in some kind of model program, a comprehensive model program: early education, alternatives, up through the whole range of detection and testing, arrests, everything up to the top level, but a broad range of attack on this drug problem.

As you point out, it is a value problem. I wrote that down. You are right. I am going to start using that: It is a value problem for a lot of young people today. It is really a value problem. We have got to get to the root of why those values are changing like that and how we should begin to redirect those values. I would like to work with you on that and see if there is some way for the federal government to be involved to provide support to the District for some kind of a program that you might want to create.

Mayor BARRY. Senator, I think we ought to look at that. I will get my staff working on it. Each year the subcommittee has one or two areas that they put a lot of energy and effort into. The approach of Senator Specter, as you know, was to add money in addition to our federal payment, which meant that it is a partnership. There are some entities that are located here that I am sure programmatically could be of more assistance, not just on the law enforcement side. I think the DEA works with us very well, but the DEA only has 2,800 DEA agents for the

whole world, which is less than our own police department. Then there are other entities that either do research as well as programmatic things that we could try to figure out how we could get this subcommittee intimately involved with. I do not have it written down right now, but I would like to give a lot of thought to it so we can have a collaborative relationship. Here in the Nation's Capital, a number of the decision-makers in the federal government, both the executive and legislative, are here.

I know I talked with Congressman Rangel about this subject, and he chairs this special narcotic task force. It is something that we ought to just spend some time brainstorming and thinking, recognizing that we do not know enough; but at least we ought to start to go forward on a whole range of activities.

Senator HARKIN. That might really be a good program for us to get involved in.

Senator REID. Mr. Chairman, could I submit some questions for the record?

Senator HARKIN. You sure can.

Senator REID. I have some questions on taxicabs, on housing.

Senator HARKIN. You are going to miss my 5-minute diatribe on taxicabs. That is too bad.

Senator REID. I am sorry I am going to miss it. I will have somebody stay and listen.

Senator HARKIN. Thank you, Senator Reid.

Mayor BARRY. Senator Reid, let me say that whatever the questions are about taxicabs, I share your concern.

COUNCIL OF THE DISTRICT OF COLUMBIA

STATEMENT OF DAVID A. CLARKE, CHAIRMAN

ACCOMPANIED BY:

WILHELMINA ROLARK, CHAIRPERSON, COMMITTEE ON THE JUDICIARY
GREG MIZE, GENERAL COUNSEL
ARTIE BLITZSTEIN, DEPUTY BUDGET DIRECTOR
RICHARD CLARK, INTERGOVERNMENTAL LIAISON OFFICER
ADRIENNE MORGAN, ASSISTANT BUDGET DIRECTOR

INTRODUCTION OF WITNESS

Senator HARKIN. I would like now, Mr. Mayor, to recognize the chairman of the Council, the Honorable David Clarke. Again, your statement will be made a part of the record, and we welcome you back to the subcommittee. Please proceed as you so desire.

Mr. CLARKE. Thank you very much, Mr. Chairman.

I am glad to be able to be here today to present testimony on behalf of the Council on the fiscal year 1988 supplemental budget and the 1989 budget request which was enacted by the Council on March 22, 1988, and subsequently signed by the Mayor.

I am joined here by my colleagues, Mrs. Wilhelmina Rolark, who is the chairperson of our Committee on the Judiciary. I am also joined by our general counsel, Greg Mize, and our budget director, Mr. Artie Blitzstein; Mr. Richard Clark, our intergovernmental liaison officer, who is also here. Our assistant budget director, Ms. Adrienne Morgan, who is assigned to work with the congressional staffs, is at the House monitoring hearings that are occurring there at this hour.

The fiscal year 1988 supplemental request increased the fiscal year budget by $46.6 million made up almost entirely of natural revenue growth. With this requested increase, the fiscal year 1988 general fund operating budget will be $2.7 billion.

I have brought with me the reports of the Council's standing committees, and I would ask that they be made a part of the record. I would say that the Council committees were the most active level of involvement in the budget this year. In fact, most of the changes that were made were made at that level of involvement.

For the sixth straight year, the Council has amended the Mayor's proposal to provide for repayment of a portion of the general fund deficit. The allocation is smaller than usual because the Council was struggling to avoid any income tax increase. And we were successful in doing so in the changes that we made to the budget. We were able to avoid having to enact an income tax increase that had been suggested

to us. However, the Council has amended the fiscal year 1989 budget request to ask that the federal payment be increased by $19.5 million for allocation to the repayment of the general fund deficit, which has traditionally been a priority. So what we are asking is that there be an increase in the federal payment. Currently, it represents only about 40 percent of what the federal government would have to pay if it were paying taxes at the rate that other taxpayers are paying, but that all of the increase be dedicated to the retirement of the general fund deficit, which, one, is a federal priority; and which, two, is the product, to some extent, of federal decisionmaking when the city was being administered under federal auspices.

The budget request for fiscal year 1989 also provides for an increase in the police force of 200 officers to combat drug-related crime. At the same time, the Council increased the budget for drug free and drug abstinence programs by $2.6 million in fiscal year 1988, and by $1.8 million in fiscal year 1989. With these increases, the total budget for drug treatment programs stands at approximately $29 million in each fiscal year.

These changes were the result of intense and comprehensive review by the Council in the 50 days which it is afforded under the Council charter for its consideration.

The actions by the Council's standing committees allowed the Council to approve a budget which eliminated the need for income tax increases in both fiscal years.

However, I must say that the entire budget process was undertaken within the context of great uncertainty due to the potential reductions stemming from federal budget reductions caused by either specific program changes or the automatic cuts of Gramm-Rudman-Hollings. Unlike other cities, where losses may be replaced by state resources, the District has no state capital to turn to. We are a state, we are a county, we are a local government. As such, we may be hurt more than other urban communities who can look to other sources for relief. Moreover, spending in several mandated program areas such as pensions, the correctional system and debt service continue to escalate and require that program expansions and new initiatives must be restrained.

We have tried to mind traditional priorities in our action on the budget, but I would like to just point to one area of joint federal and District of Columbia concern in closing. That is the pension program, particularly for our police, our firefighters, our teachers, and our judges. Section 255 of the Gramm-Rudman Act enumerates the programs that are under it and the activities which are exempt pursuant to Gramm-Rudman. Included in the list of exempt budget accounts is the Federal Civil Service Retirement and Disability Fund. Given the possibility of 1989 sequestration orders being issued, I would urge the Congress to include the $52,070,000 requested for the federal contribution to the D.C. police officers', firefighters', teachers', and judges' retirement funds within the list of exempted budget accounts; and also to consider a possible increase in that contribution as that fund continues to be unfunded to the total degree that it should be funded.

This concludes my testimony, Mr. Chairman. I will be happy to answer any questions you may have.

Senator HARKIN. Thank you very much, Chairman Clarke.

PREPARED STATEMENT

Mr. CLARKE. May I ask that my whole statement be made a part of the record?

Senator HARKIN. Yes; without objection your whole statement will be made part of the record.

[The statement follows:]

STATEMENT OF DAVID A. CLARKE

MR. CHAIRMAN, AND OTHER DISTINGUISHED MEMBERS OF THIS SUBCOMMITTEE, I AM DAVID A. CLARKE, CHAIRMAN OF THE COUNCIL OF THE DISTRICT OF COLUMBIA. I AM HERE TODAY ON BEHALF OF THE COUNCIL TO TESTIFY ON THE DISTRICT OF COLUMBIA'S FISCAL YEAR 1988 SUPPLEMENTAL BUDGET AND THE FISCAL YEAR 1989 BUDGET REQUESTS AS ENACTED BY THE COUNCIL ON MARCH 22, 1988, AND SUBSEQUENTLY SIGNED BY THE MAYOR.

THE FISCAL YEAR 1989 BUDGET ENACTED BY THE COUNCIL TOTALS OVER $3 BILLION IN BUDGET AUTHORITY. OF THIS AMOUNT, $2.8 BILLION IS ALLOCATED TO THE DISTRICT'S GENERAL FUND, $138 MILLION TO CAPITAL OUTLAY WITHIN THE GENERAL FUND, AND $224 MILLION TO THE WATER AND SEWER ENTERPRISE FUND FOR OPERATIONS AND CAPITAL CONSTRUCTION. THE COUNCIL ALSO ALLOCATED $8 MILLION TO THE LOTTERY AND CHARITABLE GAMES CONTROL BOARD FOR ITS OPERATING NEEDS, AND CONTINUES TO SUPPORT A CABLE TELEVISION ENTERPRISE FUND WITH ESTIMATE REVENUES TOTALING $1 MILLION TO OVERSEE AND COORDINATE THE PROCESS OF BRINGING CABLE COMMUNICATIONS TO RESIDENTS OF THE NATION'S CAPITAL.

THE FISCAL YEAR 1988 SUPPLEMENTAL REQUEST INCREASES THE FISCAL YEAR BUDGET BY $46.6 MILLION MADE UP ALMOST ENTIRELY BY NATURAL REVENUE GROWTH. WITH THIS REQUESTED INCREASE THE FISCAL YEAR 1988 GENERAL FUND OPERATING BUDGET WILL BE $2.7 BILLION.

THESE TWO BUDGETS WERE SUBMITTED BY THE MAYOR TO THE COUNCIL ON FEBRUARY 8, 1987 TO ALLOW THE COUNCIL A WEEK TO REVIEW THE AUDIT REPORT FOR FISCAL YEAR 1987. THE COUNCIL MOVED EXPEDITIOUSLY THROUGH THE REVIEW OF THE BUDGETS DURING THE LIMITED 50-DAY PERIOD GRANTED TO IT FOR REVIEW BY THE HOME RULE ACT. THE COUNCIL CHOSE TO REDUCE EACH BUDGET. THE

SUPPLEMENTAL REQUEST WAS CUT BY $11.5 MILLION AND THE FISCAL YEAR 1989 BUDGET WAS REDUCED BY $21 MILLION. THE COUNCIL'S ACTIONS ELIMINATED THE NEED FOR AN INCOME TAX INCREASE.

I HAVE BROUGHT WITH ME THE REPORTS OF THE COUNCIL'S STANDING COMMITTEES AND I WOULD ASK THAT THEY BE MADE A PART OF THE RECORD.

FOR THE SIXTH STRAIGHT YEAR THE COUNCIL HAS AMENDED THE MAYOR'S PROPOSAL TO PROVIDE FOR REPAYMENT OF A PORTION OF THE GENERAL FUND DEFICIT. THE ALLOCATION IS SMALLER THAN USUAL BECAUSE THE COUNCIL WAS STRUGGLING TO AVOID ANY INCOME TAX INCREASE AS I HAVE NOTED. HOWEVER, THE COUNCIL HAS AMENDED THE FISCAL YEAR 1989 BUDGET REQUEST TO ASK THAT THE FEDERAL PAYMENT BE INCREASED BY $19.5 MILLION FOR ALLOCATION TO THE REPAYMENT OF THE GENERAL FUND DEFICIT. WITH THAT AMOUNT THE TOTAL DEFICIT REPAYMENT ALLOCATION WOULD BE ALMOST $20.5 MILLION.

IN OTHER RESPECTS, THE TWO BUDGETS CONTINUE TO EMPHASIZE THE PRIORITIES OF THE COUNCIL AND MAYOR. THERE ARE ALLOCATIONS FOR INCREASED PROGRAM RESOURCES FOR YOUTH, THE ELDERLY, THE DISABLED, THE SICK, THE INFIRM, THE MENTALLY ILL, THE UNEMPLOYED AND UNDEREMPLOYED, TENANT ASSISTANCE AND DRUG REHABILITATION PROGRAMS.

THE BUDGET REQUEST FOR FISCAL YEAR 1989 ALSO PROVIDES FUNDING FOR AN INCREASE IN THE POLICE FORCE OF 200 OFFICERS TO COMBAT DRUG RELATED CRIME. AT THE SAME TIME THE COUNCIL INCREASED THE BUDGET FOR DRUG FREE AND DRUG ABSTNANCE PROGRAMS BY $2.6 MILLION IN FISCAL YEAR 1988 AND BY $1.8 MILLION IN FISCAL YEAR 1989. WITH THESE INCREASES THE TOTAL BUDGET FOR DRUG TREATMENT PROGRAMS STANDS AT APPROXIMATELY $29 MILLION IN EACH FISCAL YEAR.

THE BUDGET ENACTED BY THE COUNCIL REFLECTS THE PRODUCT OF AN INTENSE AND COMPREHENSIVE REVIEW PERIOD. THE COUNCIL'S STANDING COMMITTEES CAREFULLY REVIEWED THE BUDGET REQUEST OF THE AGENCIES UNDER THEIR PERVIEW AND MADE SURGICAL AND TACTICAL CHANGES AND ADJUSTMENTS. MANY OF THESE CHANGES WERE THE RESULT OF COUNCIL ANALYSIS OF PAST SPENDING PATTERNS AND THROUGH THIS EFFORT, THE COUNCIL WAS ABLE TO FIND REDUCTIONS WHICH COULD BE MADE WITHOUT PROGRAM REDUCTIONS.

THE ACTIONS BY THE COUNCIL'S STANDING COMMITTEES ALLOWED THE COUNCIL TO APPROVE A BUDGET WHICH ELIMINATED THE NEED TAX INCREASE IN BOTH FISCAL YEARS.

THE ENTIRE BUDGET PROCESS WAS UNDERTAKEN WITHIN THE CONTEXT OF GREAT UNCERTAINTY DUE TO THE POTENTIAL REDUCTIONS STEMMING FROM FEDERAL BUDGET REDUCTIONS CAUSED BY EITHER SPECIFIC PROGRAM CHANGES OR THE AUTOMATIC CUTS OF GRAMM-RUDMAN-HOLLINGS. UNLIKE OTHER CITIES -- WHERE LOSSES MAY BE REPLACED BY STATE RESOURCES -- THE DISTRICT HAS NO STATE CAPITAL TO TURN TO. WE ARE A STATE, COUNTY AND LOCAL GOVERNMENT AND AS SUCH, MAY BE HURT MORE THAN OTHER URBAN COMMUNITIES WHO CAN LOOK TO OTHER SOURCES FOR RELIEF. MOREOVER, SPENDING IN SEVERAL MANDATED PROGRAMS AREAS SUCH AS PENSIONS, THE CORRECTIONAL SYSTEM, AND DEBT SERVICE CONTINUE TO ESCALATE AND REQUIRE THAT PROGRAM EXPANSIONS AND NEW INITIATIVES MUST BE RESTRAINED.

THUS WHILE THE BUDGET PROVIDES PROGRAM INCREASES TARGETED TO PEOPLE IN NEED INCLUDING INCREASED RESOURCES FOR HOUSING, PUBLIC ASSISTANCE, FOSTER CARE, DAY CARE, EDUCATION, AND POLICE AND FIRE PROTECTION, IT DOES NOT EXPLICITLY ANTICIPATE THE DIFFICULTIES WHICH MAY BEFALL THE DISTRICT THROUGH FEDERAL CHANGES.

FURTHERMORE, WITH REGARD TO THE GRAMM-RUDMAN ACT, SECTION 255 OF THE GRAMM-RUDMAN ACT ENUMERATES THOSE PROGRAMS AND ACTIVITIES EXEMPT FROM REDUCTION PURSUANT TO GRAMM-RUDMAN. INCLUDED IN THIS LIST OF EXEMPT BUDGET ACCOUNTS IS THE FEDERAL CIVIL SERVICE RETIREMENT AND DISABILITY FUND. GIVEN THE POSSIBILITY OF 1989 SEQUESTRATION ORDERS BEING ISSUED, I URGE CONGRESS TO INCLUDE THE $52,070,000 REQUESTED FOR THE FEDERAL CONTRIBUTION TO THE D.C. POLICE OFFICERS', FIREFIGHTERS', TEACHERS' AND JUDGES' RETIREMENT FUNDS WITHIN THE LIST OF EXEMPTED BUDGET ACCOUNTS.

THIS CONCLUDES MY TESTIMONY MR. CHAIRMAN. I WILL BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY HAVE.

UNFUNDED PENSION LIABILITY OF POLICE, FIRE, JUDGES, AND TEACHERS

Senator HARKIN. You urge Congress to include the $52,070,000 requested for the federal contribution to the D.C. police officers', firefighters', teachers', and judges' retirement funds within the list of exempted budget accounts. What you are saying is this should be exempted because these are federal retirees? Is that right? Are these the people that were part of the——

Mr. CLARKE. To some extent they are and to some extent they are not. The District government, of course, took over in 1975. A number of the people who we are paying were hired prior to 1975. In fact, anybody who is retiring now in 1988, after 20 years of retirement, was hired before home rule. That is the pay as you go.

The District government puts into the fund a certain amount, and we also pay the current cost of retirements. The federal government puts into the fund a certain amount. However, what is in the fund is not sufficient to meet the pay-as-you-go costs for those who are already retired—as well as the accumulation of funds to meet the needs of those who are currently being hired.

If you will recall—you were not here at the time, but a much more generous bill was passed in an earlier administration for a much more generous contribution from the federal government to the retirement fund. That legislation was vetoed. When a compromise was ultimately reached, the federal government's annual contribution was to be $52 million.

So, one, we would like to have the government look again at that issue. We have to look at it again also because we are approaching year 2004 when the big bang, so to speak, will occur; that is, it will all come due. But in the most immediate sense, we ask that those funds be ex-

empted from any Gramm-Rudman sequestration. Although it is technically a D.C. account, it is a retirement account which stems from a compromise between the District government and the federal government around payment of retirement costs associated with people who came on board during the time the federal government ran the city.

Senator HARKIN. I was just trying to get a handle on the $52 million. Where did you get that figure? Where does that figure come from?

Mr. CLARKE. It is from the federal legislation.

Mayor BARRY. Senator, I think what Mr. Clarke is talking about is that in 1967, 1968, we were on a pay-as-you-go system for fire, police officers, teachers, and judges. Then in 1967, the Congress changed the retirement structure for the District of Columbia. They required 25 years of service, and age 55 for full retirement. Since we were on a pay-as-you-go system, we had at that time about a billion-and-a-half or so unfunded liability. So they agreed to put into the pot $52 million for the next 25 years, which was not enough, but they did it.

What Mr. Clarke is speaking of is that when there is a Gramm-Rudman sequestration or any other cut, the $52 million is cut, too. Our view is that $52 million should not be cut, recognizing that in 10 years $52 million is not worth $52 million.

Mr. CLARKE. Since 1979, Congress acted on this. It was after home rule that Congress acted.

Mayor BARRY. It was in 1979.

Mr. CLARKE. Yes.

Senator HARKIN. What is the differential? It is currently $52 million. You want to have it exempted from possible sequesters, but actually what you are asking, what you would really like is to have a more realistic figure.

Mr. CLARKE. Yes, yes.

Senator HARKIN. Do you know what that might be?

Mr. CLARKE. President Carter had vetoed the bill that would have required a $65 million contribution from the federal government. At that time, the District of Columbia showed that a total contribution of $150 million would have been necessary to amortize the expected liability. The ultimate result was that the federal government agreed to contribute $52 million.

Senator HARKIN. $150 million.

Mr. CLARKE. At that time. It has grown since then. You see, we are paying for every policeman, fireman, teacher who is still living who served any amount of time on the force.

Senator HARKIN. I still do not understand. Now, if you take all the people that are retired now, who were federal employees before, right, and now are retired, you are paying their retirement.

Mr. CLARKE. Yes, sir.

Senator HARKIN. That comes out of your budget.

Mr. CLARKE. Yes.

Senator HARKIN. Obviously, they were federal employees before.

Mr. CLARKE. Yes; they were District employees under federal——

AMOUNT OF FEDERAL RESPONSIBILITY

Senator HARKIN. That is right. Up until 1975.

I guess what I am wondering is, is there any way of figuring out exactly what the federal responsibility would be.

Mayor BARRY. Yes; there is.

Senator HARKIN. There is?

Mayor BARRY. We started out, Senator, with the assumption that everyone that retired prior to 1973 should have been totally covered by the federal government since we had nothing to say about what the administrative structure was.

Senator HARKIN. Exactly.

Mayor BARRY. We had a percentage for those who were hired prior to 1973 but had not finished their 20 years. Then we said all those who came on the force after 1973 would be ours. That is the problem.

So $52 million is not enough. It was supposed to be building the fund toward solvency in 1979. We pay the difference between what the fund has in it and what the actual payout is, a big difference, this year about some $118 million.

So what is going to happen in the year 2004, the difference between what is in the fund at the time and what you pay out will be about $700 million we will have to pay.

Mr. CLARKE. $700 million?

Mayor BARRY. $700 million. That is a lot of money.

Mr. CLARKE. Yes; I know it is. It is growing each year. In fiscal year 1988, the unfunded pension liability is anticipated to increase by $150 million alone. It is going to be a major problem for our children or whoever inherits the government after we finish.

Senator HARKIN. Let me ask you this: Obviously, a lot of these employees are still working, right?

Mr. CLARKE. A lot of them——

Senator HARKIN. That are getting ready to retire?

Mr. CLARKE. Yes.

Senator HARKIN. I am just looking at it down the road. They worked for the District. Do they live outside the jurisdiction of the District?

Mr. CLARKE. Yes.

Mayor BARRY. Some do, some do not.

Mr. CLARKE. About 40 percent of our employees live outside the District. However, I would presume that of those who are eligible to retire, the percentage living outside the District would be much greater because we have had the residency requirement since 1980. Therefore, the ones who have come on board since 1980 are required to live in the District of Columbia. I presume that a larger portion of those who live outside the District of Columbia are older employees.

COMMUTER TAX OR RECIPROCAL INCOME TAX

Senator HARKIN. What I was leading to was something that I had discussed with several people in the Washington business community a year ago, last year some time, was the problem the District has in taxing, and that this is one of the few urban areas in the United States where I understand you are not allowed to have any kind of commuter tax, right?

Mayor BARRY. That is right.

Senator HARKIN. Now, other cities do. Do you know what cities do?

Mayor BARRY. There are 43 states that have what you call reciprocal income taxes.

Senator HARKIN. Yes; New York is one.

Mayor BARRY. Most of those cities within those states have some kind of commuter tax, particularly if they are located near the border of other states. For instance, if you live in New Jersey and work in New York City, you pay two taxes. You pay three, really. You have to pay something to get across the bridge or the tunnel. Then you pay the city of New York commuter tax and the state of New York income tax. So there are two taxes.

Senator HARKIN. You didn't call it a commuter tax, you said a reciprocal tax.

Mayor BARRY. Yes; that is what it really is. There are those residents who work in Maryland and Virginia and live in the District. They are paying in Maryland and Virginia.

Senator HARKIN. I beg your pardon?

Mayor BARRY. Those residents who live in the District and work in Maryland and Virginia would pay taxes in Maryland and Virginia.

Senator HARKIN. Right.

Mayor BARRY. Those who live in Maryland and Virginia and work in the District would pay D.C. taxes or some rate, maybe not the whole thing.

Senator HARKIN. That is right. Some rate. Obviously, the Home Rule Act does not allow that.

Mayor BARRY. It specifically forbids it.

Senator HARKIN. Specifically forbids it?

Mayor BARRY. That is because the people who were on the committee, a significant number of them lived in Maryland and Virginia, and they wanted to protect—I mean the Congress people from Maryland and Virginia wanted to protect their constituents.

REEXAMINING THE COMMUTER TAX ISSUE

Senator HARKIN. I have to tell you, I think it is time we reexamine that.

Mayor BARRY. I think so.

Senator HARKIN. I do not know how much longer I have on this subcommittee. You know, the subcommittee too. It all depends what happens next year. I probably will stay on the subcommittee.

I just wonder if it is not time to reexamine that. You know, sometimes things change; people's attitudes change. I know that right away people will say, well, Virginia and Maryland, they will not stand for that. As I say, sometimes things change around here.

It just seems to me a well-settled principle that people who use services in one jurisdiction ought to help pay for those services in that jurisdiction. As far as I can see it, people who come in and use this city every day, as far as I know, do not do that, do they? They pay federal taxes. The federal payment is just for the lack of property taxes.

Mayor BARRY. Right.

Mr. CLARKE. They pay sales tax for what they purchase. They do not pay property taxes unless they own property as an investment, and they do not pay income taxes. Those are the three largest tax bases: property, income, and sales.

Senator HARKIN. I just wonder if it is not time. Is that taboo, we cannot even talk about that?

Mayor BARRY. Yes; we can talk about it.

Senator HARKIN. It is just something that people have accepted as fact?

Mr. CLARKE. I have a feeling that tomorrow you are going to be talking about it a lot. [Laughter.]

Senator HARKIN. I have been thinking about it over the last year, ever since, and I just have some figures from your budget.

Mayor BARRY. I think you would have some opposition from your colleagues from Maryland and Virginia. We can talk about it, though.

Senator HARKIN. Well, what is fair is fair. Revenues lost because of federal restrictions on the District of Columbia taxing authority, $811 million a year. That would go a long way toward helping on the retirement fund, and a lot of other matters as well.

I did not think about this before, but there are exemptions for foreign and diplomatic property. Would you find out for me, do other countries do the same thing? Do we have reciprocity in other countries? If we have embassies and facilities in other countries, do they exempt us from property taxes and other charges? For example, our embassy in Australia, does it pay any city taxes there?

Mr. CLARKE. I would presume that in most it does not.

Senator HARKIN. I would like to find out. Maybe that is something we cannot even look at.

Mr. CLARKE. Embassies constitute a very small percentage of the exempt property. Fifty-two percent of the property in the District of Columbia is exempt from taxation.

Senator HARKIN. That is $32 million.

Mr. CLARKE. That is what would be paid.

Senator HARKIN. That is for diplomatic exemptions. That is what your budget says.

[The information follows:]

EXEMPTIONS FOR FOREIGN AND DIPLOMATIC PROPERTY

There are tax treaties between foreign countries providing for reciprocal treatment.

PROPERTY TAXES LAST BECAUSE OF EXEMPT PROPERTIES

Mr. CLARKE. Yes; but our point, Senator, is that if you add up the income taxes and the property taxes that are exempt, I believe the book says—I might be wrong—that it is $1.3 billion.

Senator HARKIN. That is right. Exactly.

Mr. CLARKE. So the $32 million does constitute a small percentage of that.

Senator HARKIN. A small part of that.

Mr. CLARKE. The problem is so much bigger than just the embassies.

Senator HARKIN. That is true. The biggest portion, of course, being the nonresident individual income taxes that are lost.

Mr. CLARKE. No; I think the biggest portion is probably the property taxes.

Senator HARKIN. $417 million on the property taxes, $811 million on nonresident individual income taxes. It is twice as big. But I do not know. It just seems to me, as you said, there are problems in the District in terms of raising taxes. I think we ought to look at it. It just seems to me it is a subject that nobody wants to talk about, but it seems like we ought to talk about it. If we are in a budget crunch and we are having trouble making payments, then we have to give the District some ability to meet its needs.

Mayor BARRY. We would certainly welcome it if you were our leader on this subject in the Senate.

EXPLORING A RECIPROCAL INCOME TAX

Senator HARKIN. I think we ought to have a hearing on it. I think we ought to talk about it. We ought to just see where we are. Maybe it is impossible, but I cannot see that it is impossible to try something.

Mr. CLARKE. I would certainly appreciate it. As you have mentioned, you might expect a bit of concern from the members of both the House and Senate who are from Maryland and Virginia. In the conversations that you might have with them, I think they might share the concern that I originally brought up about the retirement. Because as I said, the larger portion of the District of Columbia employees who are old enough to retire probably live in Maryland and Virginia. It is their financial security that is at stake with respect to the retirement program.

That is going to be a real problem, a large problem in the future. I suspect we jointly or individually can get back to you with the history of that problem, but I would certainly like to see, in the case of the commuter tax effort, that that problem could be addressed.

Senator HARKIN. I am not going to use the word "commuter tax." I think that is a bad business, people driving across a bridge and paying money.

Mayor BARRY. Well, Senator, the correct name is a reciprocal income tax.

Senator HARKIN. Maybe that is a little better. Reciprocal. It is reciprocity, right?

Mayor BARRY. Right.

Senator HARKIN. You have no problem with the District residents paying taxes if they work in Virginia or Maryland, right?

Mayor BARRY. No; absolutely not.

Senator HARKIN. It is merely a reciprocity type of an arrangement. It might be a softer connotation perhaps.

Well, let us see. I did not mean to get into that. But the more I look at the money and the problems we are having here in the District today, I just think that is something that ought to be looked at again. It has been 13 years, and it ought to be looked at.

PROBLEMS WITH TAXICABS

Now, I did not even talk about the taxicabs. Something has got to be done about this cab situation, Mr. Mayor. I mean, it is abysmal and I do not see it getting any better. I talked about it a year ago, and I kind of ranted about it a year ago. I said, look, we wanted to get some information on pulling together the different jurisdictions—Maryland, Virginia, and the District of Columbia—and let us get some kind of a unified taxicab system with meters. I mean, it is past time that we get rid of this insane system that we have in the District.

Obviously, it was set up by the federal government in the first place, having a zone fare system. The fare ought to be the same. I do not care whether you are in Virginia or Maryland or the District of Columbia. The per-mile charge ought to be the same no matter where you go.

Mr. CLARKE. You know, Senator, that for 20 or 30 years, we were prohibited from even studying it.

Senator HARKIN. Oh, I am sure that is true.

Mr. CLARKE. Every year in the appropriations bill, we were prohibited from even studying them. The restriction was lifted maybe only 2 years ago. So the taxicab commission is looking at the issue. I must say that even on the Council there is a very divided opinion as to whether the fare system ought to be meters or not. But at least we are looking at it.

Mayor BARRY. Also, Mr. Chairman, another problem is if you come in to the National Airport—and we are going to work on that—you may get a taxicab that basically is registered to a business in Virginia, Maryland, or the District, and you just want to get a cab. So you find a limousine driver with Virginia licenses, who does not know anything about the city. Our own D.C. drivers, I think, are in the minority. We have to find a way to get the region involved with education, licenses, and standards and make them all the same.

DELAY IN STUDY BY TAXICAB COMMISSION

Senator HARKIN. Mr. Mayor, in last year's report language, I had put in there this language: The committee directs the commission—the taxicab commission—to work with the Washington Metropolitan Transit

Commission, the Board of Trade, the Metropolitan Washington Airport Authority, and other regional administrative and regulatory bodies to create a truly integrated regional taxi system. This is in last year's report. It was a directive to the taxicab commission. The goal of this effort is to reduce consumer confusion by providing a system that offers a standard rate for travel throughout the region regardless of the origin or the destination of the trip. It is not the committee's intent that the entire burden for cooperation rest solely with the District's taxi commission. We request that the commission report to the committee—that is this committee—on its efforts to achieve regional cooperation on the results of those efforts. The committee should be immediately notified of any problems that arise. The committee expects that the new commission will address issues including the frequency of taxicab inspection, age of vehicles used as cabs, condition of heating and air conditioning systems, and the cleanliness of vehicles.

Well, the report goes on, but I had all of those directives put in the report last year. In response to our request for a report last year, the commission provided information that they are going to fund a large study because they lack sufficient information on the industry to fashion regulations to implement the suggestions we made last year. In other words, we made the suggestions; it is now a year later; and they say, well, now we are going to do a study. There is going to be a study now because they do not have the information.

What I want to know is why did it take the taxicab commission 1 year to decide that they do not have the information, and now they need the study?

Mayor BARRY. Mr. Chairman, I think they ought to come up with a reason why. We will try to work with them. They are a line item in our budget.

Senator HARKIN. Pardon?

Mayor BARRY. They are a part of our budget. We will try to stay on top of them.

REGULATIONS GOVERNING TAXICABS

Mr. CLARKE. Senator, I am not able to answer any better, in any more detail than the Mayor has given, but I am not sure what particular parts of the recommendation the commission was addressing, because some of the things that you wrote about in your directive I know are the subject of regulation. I know that the cleanliness of the cabs, workability of heating and air conditioning systems, et cetera, are already in the Public Service Commission regulations, and are probably now transferred to the taxicab regulations. I remember that from my law practice days.

Senator HARKIN. What is that? I am sorry.

Mr. CLARKE. I remember that from practicing law, that there are regulations existent on a number of the topics that you spoke about. In terms of dealing with Maryland and Virginia and the regional transportation system, that, of course, is not the subject of existing regulations. But conditions of cabs, the kinds of signs they must carry when they

are not in service, when they are on call, when they are off duty, when they are on duty, the cleanliness of the cabs, the workability of heating and environmental systems within cabs, the smoking, the radio playing are all a subject of regulation under existing regulations.

Senator HARKIN. It is one thing to have a regulation. It is another to have enforcement of it. The law is not being enforced.

Mr. CLARKE. Well, that is true, but I just did not want you to think that the D.C. law was without any standards as to a number of the things that you spoke about.

Senator HARKIN. I would like to know what those standards are. Obviously, the standards need to be strengthened or they need to be enforced. I do not know which one it is.

Mr. CLARKE. I would ask that you speak to Chairman Dixon of the taxicab commission on the enforcement, but I will get to you within the next few days a copy of the standards.

DEPLORABLE SITUATION OF TAXICABS

Senator HARKIN. It just seems to me, I guess—I think the Mayor agrees—the taxicab situation is deplorable around here. I just think it is awful, and it has not gotten any better since we did this a year ago, as I see it. I do not see anything has happened. You get in the cab, it stalls, they do not know where to go, they are not forthcoming in terms of how much it is, in terms of zones, and if it is rush hour and that kind of thing. Sometimes you cannot converse with the drivers because of a language barrier. I still continually hear all kinds of stories about it.

I just told the Mayor earlier, I just had an incident myself last Saturday night with a taxi. He did not know where I wanted to go. Something has got to be done about this thing. Just to say, well, now, it is going to take another year to do another study on it, I do not think that is quite right.

Again, I am respectful of home rule, but, again, this is one of those little areas where there is a kind of a nexus.

Mayor BARRY. I think that you will find that Mr. Clarke and I agree wholeheartedly. We need to make vast improvements in our taxi system. I have charged Mr. Dixon with the responsibility that he is to do that. I do see some slight movement, but not at the rate that you want it or I want it.

Senator HARKIN. I appreciate that. Anything we can do to move toward meters or a straightforward method of carrying of passengers. Again, I do not know what the regulations are. I suspect they probably are pretty good regulations. I just do not know. I have not looked at them. But if they are, they sure as heck are not being enforced.

Mr. CLARKE. We will get those to you.

Senator HARKIN. All right. I would appreciate that.

Mr. CLARKE. I am just speaking from recollection in the years that I practiced law. I represented people either who were upset by not getting service or on occasion a taxicab driver. The regulations were extensive as to the condition of cabs. I just remember that.

Now, I do not pretend that there are any regulations associated with any jurisdictional authority. I also know that way back then the taxicab examinations were extremely difficult. The head of the Public Service Commission at the time happened to be a law professor. I heard that he gave taxicab examinations with the same degree of difficulty that he gave law examinations. I can assure you they are difficult. He is now a judge. He is not able to do that. But there was, I think, a 60-percent failure rate on taxicab examinations at that time. Now, whether that has changed, I do not know.

HAVING A HEARING WITH THE TAXICAB COMMISSION

Senator HARKIN. I think with your indulgence, Mr. Mayor, we would like to have the Taxicab Commission up here to take a look at this thing. Again, I believe there is a nexus, and if there is some help or some assistance that the federal government ought to give in this regard, in terms of trying to help pull the jurisdictions together, Maryland and Virginia——

Mr. CLARKE. I am not sure Maryland and Virginia would want that. We have a regional transportation compact, but that is for purposes of mass transit, the buses, et cetera. I am not sure that Maryland and Virginia would be interested in that.

Senator HARKIN. I am informed that the Council of Governments has been meeting and talking about it. I do not know what their attitude is with Maryland and Virginia on this. I do not know why they would not be interested in it.

Also, just on terms of driving and compliments on snow removal this year, it was very good. Everything seemed to work just fine on snow removal this year.

POTHOLE REPAIR PROGRAM

Mayor BARRY. Also, Senator, we are going to launch our major pothole repair program in another week or two now that the weather is good. We thought we were going to do it this week but it rained so badly. We intend to try to identify every pothole we can find and get it fixed.

METRO PROGRAM FOR THE HANDICAPPED

Senator HARKIN. I have some other questions, Mayor, that I will submit in writing. Let me just cover one more. I am sorry. I do not want to hold you up.

As you know, I chair the Subcommittee on the Handicapped. There was a story in the Post the other day about the problems of the handicapped getting on the elevators in the Metro. I am concerned about this, and if what I read is halfway true that people are finding that a lot of these elevators are not working; and when they are not working, it takes a long time for them to get fixed. I would be somewhat concerned about that.

Mayor BARRY. Mr. Chairman, we talked with the Metro people, and I intend to talk with the general manager, Ms. Turner, about this. I was concerned too. I do not believe everything I read, but I read about this. So I asked Mrs. Marshall to call to the staff about it.

Ms. Marshall, would you address this?

Ms. MARSHALL. The Transit Authority indicated that the article that was in the paper referred to some of the incidents that happened in 1987. On April 12 they instituted a system where a handicapped person can call in. In other words, they recognized that there was a problem, and they studied it. Now, they have established—I guess for lack of a better word—a hot line. There is a number where a handicapped person can call to see if the elevator or escalator is working where they are destined to go. If it is not, then the Metro system will send a bus that has a lift to pick up the handicapped person and take him or her either to their destination or to a close Metro station where the elevator or escalator is working.

They have recognized that there is a problem, and they have moved to correct it. The policy they put in place was April 12. They hope at some point maybe to get some smaller buses to help with this program.

Mayor BARRY. My view is that if you have an escalator and, in fact, you have an elevator designed for the handicapped, maybe now and then it will break down, but it ought to be working all the time.

Senator HARKIN. I guess my response to that would be—wait a minute. You are saying that they call to see if it is operating. If they say, no, it is not operating, we will send a van out to pick you up and take you. It seems to me it would be much more cost effective just to fix the darn elevator.

Ms. MARSHALL. Right.

Mayor BARRY. As I said, I got this information from Ms. Marshall. I intend to call the general manager. We subsidize Metro heavily. I think the elevators ought to be fixed. Maybe now and then it may break down, but you should not have to call and say, "I am going to Connecticut and Van Ness. Is it all right for me to get off there?" We are going to work this out. We are going to make sure they get this done.

Ms. MARSHALL. This plan is in operation while Metro is working to get the elevators and escalators fixed. They do not want to stop the handicapped person from going to his or her destination. They have a maintenance program in place that will take care of repairing that. But they do not want to stop the handicapped from getting to their destination. So that is what they have in place while the escalator or elevator is being maintained or repaired.

Senator HARKIN. I appreciate that. OK. I just have a couple of other questions. I will submit them in writing for your response. We will look at having the Taxicab Commission appear before the subcommittee.

SUMMARY REMARKS OF MAYOR BARRY

Mayor BARRY. Also, Mr. Chairman, I have asked Sara Lindsey, my special assistant, to get us more involved with what the commission is doing. The members are appointed by me with the consent of the Council. We have asked the Transportation Committee of the Council of Governments to begin to work with us on this problem of the

taxicabs. Like you, I share the frustrations of it. There have been some improvements, but not a lot. The cabs are cleaner now. As you know, we had a crackdown on 14th Street and arrested about 75 cabdrivers who either had no licenses or traded somebody else's place. Mr. Dixon will give you that, but we need to do a lot more.

I hope that this is another one of those situations where we will come back next year before the subcommittee and we will have made dramatic changes in what we do.

Senator HARKIN. That would be good.

Mayor BARRY. It really hurts our city as well, because people's impressions about cities are formed by a lot of things. And how you get a taxi, how courteous they are, and where they are going. But I am happy to report—and the Taxicab Commission can report on this—we do have a requirement now for a geography course for taxi drivers, to teach them where the main places are and the geography of the city. Also we have a requirement that the taxi drivers be able to have dialog, not necessarily grammatically correct.

Senator HARKIN. I do not care about grammatically correct.

Mayor BARRY. But that they know what you are talking about if you say: I want to go to the Capitol Hilton, or I want to go to the Senate office building. If they cannot understand what you are talking about, that is a concern of mine, too.

Senator HARKIN. I appreciate that. Thank you again, Mr. Mayor.

Mayor BARRY. Mr. Chairman, thank you.

SUBMITTED QUESTIONS

Senator HARKIN. Mr. Clarke, thank you. Thank you all very much. I have some questions, along with Senator Nickles and Senator Reid, which will be submitted for response for the record.

[The following questions were not asked at the hearing but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR HARKIN

D.C. SCHOOL OF LAW

SENATOR HARKIN:

1. On July 10, 1987 the Council Chairman and the Mayor were signatories to an agreement that stated that the Mayor agreed to take the leadership in identifying and securing a permanent facility to house the D.C. School of Law. What is the status of that search?

MAYOR BARRY:

1. District of Columbia School of Law (DCSL) officials expect to sign a lease during the week ending June 10, 1988, for 44,000 square feet in a building to house the clinical programs, library, classrooms, administrative offices, etc., for the School of Law. The building is located in the downtown area of the District with easy access to Metro and the Courts. DCSL will supply the Committee with the address of the building as soon as the lease is signed.

SENATOR HARKIN:

2. Have steps been taken so that the Law School will not have to take funds from other important areas in order to fund additional rent payments?

MAYOR BARRY:

2. DCSL has been fortunate in FY 1988 to share space with the Antioch School of Law in the Warder-Totten building on 16th Street, at a cost of $60,000 per year. Unfortunately, that building has been sold. DCSL, therefore, will lease temporary space of approximately 44,000 square feet until a permanent facility is made available. The need to lease space has resulted in unanticipated costs for building rent and related services for the School of Law of up to $450,000 in FY 1988.

The FY 1987 operating budget of $1.146 million for DCSL is "available until expended." A portion of these funds has been earmarked to cover building and related costs during the remainder of FY 1988. The remainder of the FY 1987 monies will be used for one-time library acquisitions, equipment, and the like.

As noted in the DCSL testimony submitted to the Subcommittee on the District of Columbia of the Appropriations Committee of the House of Representatives, the FY 1989 operating budget for DCSL is $1.890 million. Once the lease for the new building is signed, and the exact costs are known, DCSL has indicated that supplemental funding will be requested.

SENATOR HARKIN:

3. What is the status of the accreditation process?

MAYOR BARRY:

3. As a new School, DCSL is required by the American Bar Association (ABA) rules to operate its academic program for one year prior to applying for provisional accreditation. The earliest date for the application, therefore, will be during the summer of 1989. Under ABA rules, students who graduate from a school which is granted provisional accreditation at any time while they are enrolled may sit for the bar examination.

In preparation for the application for provisional accreditation, DCSL has hired two consultants with years of experience in all aspects of compliance with ABA standards and procedures.

It should also be noted that DCSL is not in the position of starting from scratch in the effort to secure accreditation. The statute which established DCSL (Public Law 6-177) required that DCSL build on the experience of Antioch School of Law (ASL) as it relates to the curriculum, programs and clinics of the new School. The DCSL faculty has, between them, decades of experience with the ABA on matters relating to accreditation.

Assuming that sufficient public funds, in addition to tuition and grants are available, DCSl expects to satisfy all ABA requirements for accreditation in a timely manner.

SENATOR HARKIN:

4. How many students does the school plan to admit this fall?

MAYOR BARRY:

4. Because of the nature of the admissions process, it is impossible to predict the number of qualified students who will submit completed applications or the number who will enroll after an offer of admission from the new School. DCSL is targeting a small, highly qualified core group for its founding class of between 25 and 50 students. These students will act as mentors for subsequent larger classes in 1989 and 1990.

In this way, DCSL will be able to maintain a small complement of personnel while continuing the planning and development of the ABA accreditation materials.

SENATOR HARKIN:

5. How do you expect the student body to break down between in-state and out-of-state students?

MAYOR BARRY:

5. DCSL anticipates that in the founding class the students will be one-half District residents and one-half out-of-state residents.

AIDS

Senator Harkin:

1. Mr. Clarke, as you know, last year the conferees deleted a provision that sought to require the District Council to repeal a District law concerning the insurance industry's ability to use the results of tests for the AIDS virus. We did so on the basis that the Council had under consideration legislation to amend this statute. What is the status of that legislation 6 months later?

Mr. Clarke:

1. In response to your request, I will summarize D.C. Law 6-132, the Prohibition of Discrimination in the Provision of Insurance Act of 1986, as well as changes to D.C. Law 6-132 which were proposed last November by Councilmember John Ray and myself. At this time the proposed changes are still pending in the Committee on Consumer and regulatory Affairs, chaired by Councilmember Ray, which held a public hearing on the matter in December, 1987. The staff of the Committee on Consumer and Regulatory Affairs has informed my staff that legislation on this matter is expected to be considered by the full Council before the end of this year.

D.C. Law 6-132, effective August 7, 1986, prohibits insurance companies from using any tests, in deciding rates or whether to write or continue policies, on District residents to determine likelihood of exposure to the AIDS virus (HIV), or of presence of the AIDS antibody or AIDS-related complex (ARC).

Under the law, the test prohibition period is 5 years from the effective date of the act, after which time insurers can apply to the Insurance Superintendent for rate increases (but not policy denials) based on the use of the test, which may be used only if the Commissioner of Public Health determines that the test is reliable and accurate and if the Superintendent determines that the increase is reasonable and nondiscriminatory.

It is important to emphasize that D.C. Law 6-132 does not prohibit companies from asking an applicant whether the applicant has been treated for or diagnosed as having AIDS, ARC or an immune deficiency disorder. Furthermore, the District law does not prohibit denial of insurance based on an affirmative response or non-response by an applicant to that question.

On November 23, 1987, Councilmember John Ray introduced Bill 7-364, Prohibition of Discrimination in the Provision of Insurance Amendment Act of 1987. The measure was referred to the Committee on Consumer and Regulatory Affairs, chaired by Councilmember Ray, which held a public hearing on December 21, 1987. Since that time, it is my understanding that Councilmember Ray has held discussions with various interested parties and organizations, and his staff expects that a bill will be reported out of committee this year. Bill 7-364 proposes amendments to D.C. Law 6-132 which would permit insurers to require applicants to take tests approved by the Commissioner of Public Health to screen for exposure to the AIDS virus in the following cases:

-- Individual life or disability policies exceeding $100,000;

-- Individual life or disability policies of any amount during any period when the Superintendent of Insurance has pre-approved rates related to the underwriting risk presented by exposure to the AIDS virus, and

-- Individual health insurance policies during any period when the District government is operating under a program to make health insurance available to uninsured individuals.

Bill 7-364 also would amend the law to strengthen requirements of confidentiality and informed consent. In addition, the bill would revise the penalties in the law by eliminating civil fines except for violations of the confidentiality provisions.

At the same time that Bill 7-364 was introduced, I publicly shared proposed changes to D.C. Law 6-132 on which my staff and I had been working. This proposal would:

Amend the current law to allow non-discriminatory HIV testing in the case of individual life insurance policies resulting in the insured being covered for greater than $100,000 and, in the case of individual life insurance providing for $100,000 or less of coverage and in the case of noncancellable disability insurance coverage, where there is medically based cause.

-- Permit the Superintendent of Insurance to set the criteria for the determination of medically-based cause after consultation with the Commissioner of Public Health and would give them some guidance, based on the current state of medical knowledge, as to what kinds of criteria the Council has in mind.

-- Establish a definition and HIV testing protocol requiring two positive ELISA test results and one reactive Western blot test result to diagnose seriopositivity, or any other test or series of tests determined by the Commissioner of Public Health to be no less accurate or reliable.

-- Strengthen provisions on informed consent and confidentiality in the testing process, including a requirement that the insurer disclose information approved by the District on the availability, prior to administration of a test by the insurer, of counseling services, alternative anonymous testing sites and other AIDS-related information.

DRUGS

SENATOR HARKIN:
1. Mr. Mayor, drug abuse is a plague that I know that you spend a great deal of time on. The Council, as well as the Congress, are also searching for solutions to this problem. Not to over simplify, but the problem really has three components: Prevention, Treatment and Enforcement. Enforcement is the most visible because it takes place on our streets. In these three

areas what are your priorities, where have you and the Council placed most of the drug abuse resources?

MAYOR BARRY:
1. Probably the greatest amount of resources have been committed to law enforcement at this point in our War on Drugs. It is clearly an area that cannot be neglected and it certainly responds to the needs and concerns of our citizens. However, I think we can safely say that our priority is to develop and maintain a prevention infrastructure that affords us continuity of effort and an organized approach at the community level. We are pursuing prevention strategies and activities for each Ward in the city which will extend our ability to provide a wide range of services at the grass roots level. This is not to diminish our investment or commitment to treatment. We probably spend as much or more on treatment programs as other city in this country; certainly on a per capita basis and I believe the treatment services we offer are as comprehensive as any anywhere. I submit we have a firm commitment to all three; law enforcement, prevention and treatment.

SENATOR HARKIN:
2. Treatment is another aspect of the problem There is much debate about the effectiveness of various treatment methods. How many drugs do your programs address and by what methods:

MAYOR BARRY:
2. The Alcohol and Drug Abuse Services Administration (ADASA) provides treatment services for residents of the District of Columbia irrespective of their drug of choice. If must be noted that often new drugs, or new drug forms, appear on the market for a period of time and after a while usage declines. When necessary, treatment approaches are developed or modified to provide the most viable treatment regimens for patients at a given time. The drugs of choice and treatment methodologies currently being addressed by our programs include the following:

DRUG	METHOD ADDRESSED	
PCP	Inpatient:	Detoxification
	Outpatient:	Urinary acidification, psychological evaluation
Heroin	Inpatient:	Detoxification with methodone
	Outpatient:	Methadone detoxification, methadone maintenance and trexan for the abstinence phase
		Narcotics A

Cocaine/ Amphetamines	Inpatient:	(1) Detoxification/ stabilization (2) 28 day inpatient then 5 month aftercare at Karrick Hall
	Outpatient:	Norpramin L-tryptophan L-tyrosine
Alcohol	Inpatient:	(1) Detoxification - 72 hour (medical management) (2) 28 day inpatient recovery program with 5 month aftercare (3) 90 day community re-entry - Mary Herring
	Outpatient:	Counseling (Adams Morgan Alcoholism Center) Antabuse if needed

NOTE: Individual and group counseling, urine monitoring and AIDS counseling/prevention are addressed in all methodologies cited above. Soon to be addressed: (1) Relapse/recovery training and (2) Patient education course

Polydrug	Combinations of above and including sedatives/tranquilizers

SENATOR HARKIN:
3. The budget for the Alcohol and Drug Abuse Administration reflects an increase in the availability of in-patient beds for drug treatment. However the number of out-patient slots available has remained the same for the last two years. Is this consistent with current clinical treatment thinking, it appears that others are placing greater emphases on counseling?

MAYOR BARRY:
3. We had anticipated opening 2 additional outpatient multi-modality clinics during FY 1988 which would add some 500 additional slots to our capacity. It appears now that they will not be completed until early into FY '89. In both cases, more extensive renovations were required than we had originally anticipated. We are fortunate to have gained the support of the communities in which these clinics will be located. Our clinical treatment philosophy is consistent with current trends. We need to be able to offer our clients a full spectrum of treatment opportunities in sufficient quantity to permit reasonably timely access.

SENATOR HARKIN:
4. Assistant Chief Isaac Fulwood has criticized area car dealers for selling cars to suspected drug dealers. Has the District and other area governments contacted these dealers, and others who sell high cost luxury items, to seek their cooperation in providing information on sales of such items for cash to suspected drug dealers? If so, what has been the response?

MAYOR BARRY:
4. A meeting has been scheduled to meet with these car dealers to discuss the various concerns regarding the $10K IRS ruling which requires car dealers to report cash transaction $10K and above. Unscrupulous car dealers avoid this law by accepting successive payments of $9,999.00 to meet the vehicle's purchase price and to skirt the IRS reporting requirement.

SENATOR HARKIN:
5. Mr. Mayor, last April Federal Marshals raided a house in Southeast where crack was being manufactured. Are you satisfied with the level of cooperation Federal officials give to you and other governments in drug enforcement?

MAYOR BARRY:
5. Coordination and cooperation at the Federal level has been outstanding. However, the Federal government must do more to prevent drugs from coming into this area. There must be greater efforts to eradicate opium, poppy and coca crops at the source countries such as Columbia, Bolivia, Peru, Iran, Pakistan and others that are heavily involved in cultivating drugs.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

SENATOR HARKIN:
1. In response to our request for a report last year the Taxicab Commission has provided information that they are about to fund a large study because they lack sufficient information on the industry to fashion regulations to implement many of the suggestions we made last year. Why has it taken a year to decide they needed more information?

MAYOR BARRY:
1. Last year, staff of the Commission began to develop the specifications for a request for proposal (RFP) to identify data processing needs and to implement a data management system for the agency. Generally, taxicab regulatory activities have been conducted the same way for many decades, using manual record systems and processes. At least nine subsystems will need to be designed and built to streamline the activities of the agency.

Efforts at preparing the RFP have been somewhat hampered by the lack of staff resources. Funding for the last quarter of FY 1987 was limited by the scarcity of supplemental funding, and funding for the first quarter of FY 1988 was held at that same level by continuing resolution. Upon completion, a draft RFP was presented to

the Commission's RFP Committee, a final version of which was recently presented to the Department of Administrative Services (DAS). DAS has assured that the RFP will be issued and awarded by this summer.

SENATOR HARKIN:
2. Why is such a study needed to issue regulations concerning the condition of the heating and air conditioning of cabs, the frequency of inspections, the age of the vehicles and the appearance of the drivers?

MAYOR BARRY:
2. The study will provide the Office of Taxicabs with the data handling resources to determine and analyze the current status of heating and air conditioning equipment installed in cabs and the current age of the vehicles. In addition, current data is needed regarding operating costs and revenues in order to evaluate the economic impact of possible changes in the requirements for operators to have and use newer vehicles and equipment. The Panel on Rates and Rules, the arm of the Commission responsible for evaluating these issues, has been engaged in the time consuming work of passing an interim fare increase, amidst much controversy and legal challenges. The Office of Taxicabs employs seven Hack Inspectors whose responsibility it is to perform on-street inspections of taxicabs. Five additional Hack Inspectors will be added within the next few months.

SENATOR HARKIN:
3. I understand that the Council of Governments has hosted useful meetings of the surrounding jurisdictions. What do you think is the next step toward a "regional cab", will you propose legislation to the District Council to overcome any impediments?

MAYOR BARRY:
3. The next step toward a "regional cab" is the development of enabling legislation that would be adopted by the affected jurisdictions. The legislation, at the least, would establish a regional regulatory authority with the mandate to promulgate rules and regulations that would clearly define standards governing the licensure of operators and vehicles that would be authorized to provide taxicab service within the geographical area of the regional regulatory authority. The legislation adopted by the affected jurisdictions to create a regional authority would include the District of Columbia.

SENATOR HARKIN:
4. What is the status of the proposed Reciprocity Agreement for Taxicab Services proposed by the Council of Governments?

MAYOR BARRY:
4. A draft Reciprocity Agreement has been prepared and circulated by the Council of Governments to representatives from the affected jurisdictions. The

District of Columbia, through its representative the Taxicab Commission, has actively participated in the development of the draft agreement and has submitted proposed changes. The next meeting of representatives from the various jurisdictions is scheduled for June 21, 1988, at the Council of Governments. While the proposed Reciprocity Agreement does not address all the concerns in developing a "regional cab," it does take a step in that direction.

SENATOR HARKIN:
5. I also understand that there has been discussion of a "regional taxicab database." Will your proposed study results include information that will be used in such a database?

MAYOR BARRY:
5. Yes. It is part of the specification of the study to provide computer connectivity to the Washington Metropolitan Council of Governments computer banks for this purpose.

PRISON

SENATOR HARKIN:
1. Mr. Mayor, the Committee has just approved your recommendation for the location of the new prison. As I stated in my letter, I do so reluctantly because of my view that the prison should not be located in a stable neighborhood. In approving this location, I noted several steps that the City intends to take to mitigate the impact of the prison on the neighborhood. Would you outline those for us?

MAYOR BARRY:
1. The District has met with the National Park Service to work out an agreement for temporary use of a portion of the access road to the stadium parking lot as the entrance to the site for construction vehicles. Additionally, the Stadium-Armory Board has allowed the District to use additional parking spaces in the overflow lot to accommodate staff parking. We are proposing the implementation of a shuttle bus service from the overflow lot through D.C. General Campus to the Correctional Treatment Facility (CTF).

SENATOR HARKIN:
2. Would you also ask your staff involved in the planning and construction of this project to meet regularly with the community to keep them informed of the status of the work there, and to discuss problems that might arise?

MAYOR BARRY:
2. The Department of Corrections' Public Relations Office and the Department of Public Works' Public Relations Office have held a meeting to form a CTF Citizens Advisory Committee. This committee will be comprised of members of various community organizations, and will hold a series of briefings/meetings during the progress of the CTF Project.

SENATOR HARKIN:
3. Mr. Mayor, last year when we asked for a review of other sites we were also concerned about the discovery of artifacts on the site. What is the status of those items?

MAYOR BARRY:
3. After Phase II Archeological studies - Report No. 2 was completed in September, 1987, further testing was done to define an archeological boundary on the southeastern most part of the site. Based on the results of this testing, the CTF building was relocated to the northwestern most part of the site. The State Historic Preservation Officer has nominated the original site to the National Register of the Historic Place, and it has been placed on the D.C. Historic Landmarks.

SENATOR HARKIN:
4. When do you expect to complete this facility?

MAYOR BARRY:
4. The projected completion date for the construction of CTF is late 1990.

HOMELESS

Senator Harkin:

1. Mr. Mayor it has been reported that nearly 20% of the public housing in the District is vacant, even though there are 12,000 people on waiting lists for public housing. Is the time it takes to repair these units excessive, why can't the work get done more quickly?

Mayor Barry:

1. Although there are approximately 2,400 vacancies in public housing, 1,500 are currently programmed for comprehensive modernization. The balance of vacant units have been generated as a result of voluntary relocation, fires, emergency relocation, court ordered relocation and evictions. The time required to repair these units is dependent upon repair classification (minor, moderate or major) and relocation needs. Minor and moderate unit repairs are made by in-house staff. Major unit repairs are contracted out. Unless a unit is scheduled for comprehensive modernization, once the repair process for a vacant unit begins, the repair completion time may vary from 3 to 30 days. This timeframe for repairs is within HUD guidelines. To date, staff production is approaching 20 units per week and contract packages for the major repair of 100 vacant units are in various stages of completion. Such contracts should be awarded during this quarter of FY '88.

Senator Harkin:

2. What would it take to modernize or repair all of the currently vacant units? How much of this would be available from the Federal government?

Mayor Barry:

2. There are currently 901 vacant units scheduled for minor and moderate repair. It is estimated that these units can be repaired at a cost of $4,505,000.00. Funding for such repairs is provided through the District of Columbia's Capital Budget. There are also 689 units vacant on properties now undergoing comprehensive modernization. These units are located on 5 properties. During this fiscal year, 394 units will be returned to the public housing stock, leaving a balance of 295 units which will be completed and ready for occupancy by the first quarter of FY 1989. The cost of modernizing these units totals $44,513,015.00 of which 16% is from the Federal government. The Department of Public and Assisted Housing has scheduled an additional 1,677 units, located on 7 properties, for comprehensive modernization.

   These properties are not 100% vacant, but must be vacated entirely prior to the start of construction. Construction on these properties are in either the final stages of design or construction is scheduled to begin within 120 days. At the end of the fiscal year, it is projected that 1,972 units will be vacated for modernization purposes. The projected construction costs total $1,049,689,700.00. Of this amount, almost 30% of the cost will be provided by the Federal government. Please note that this figure projects total construction costs, the annual expenditure will be significantly less as each modernization project typically requires a period of 24 - 36 months of construction.

Senator Harkin:

3. How many housing units will you add to your stock in FY '89, both new public housing units and assisted housing?

Mayor Barry:

3. In FY '89 the Department of Public and Assisted Housing will have ready for occupancy 1,045 vacant units. The Section 8 Housing Assistance Payments Program expects to add approximately 450 units to its subsidized housing stock and the Tenant Assistance Program anticipates leasing-up an additional 600 units.

HOMELESS SHELTER FINES

SENATOR HARKIN:

I. The Washington Post has reported that District inspectors have fined two homeless shelters $500 each because they did not have rooming house licenses. We do not disagree with the increased enforcement that has resulted from the recent rooming house fires or with safety related improvements, however, it seems counter productive to fine these private shelters. Does the District's definition of a rooming house apply to homeless shelter?

MAYOR BARRY:

I. Yes, Section 199.1 of Title 14 of the District of Columbia Municipal Regulations define rooming house as any building or

part of a building, other than a hotel or a motel, containing sleeping accommodations occupied for a consideration by or offered for occupancy, for a consideration to five or more persons who are not members of the immediate family of the owner or usee; and which accommodations are not under the exclusive control of the occupants of the accommodations. The Corporation Counsel of the District of Columbia has indicated that consideration is interpreted to mean benefits of any kind whether or not derived from a usee or third party on the behalf of a usee. Hence, while many shelter residents do not pay to occupy shelter accommodations, the shelters themselves receive subsidies from the Department of Human Services. As such, a homeless shelter would fall into the definition of rooming house as defined by 199.1 of the Housing Regulations.

In the case of barracks-like shelters, there is only a requirement that these shelters obtain a certificate of occupancy. This is because there are no individual dwelling rooms which would meet the definition of rooming house.

Please note also that several shelters in the District of Columbia have current valid rooming house licenses. They include: The House of Ruth, My Sister's Place, Christ House, The House of Imagene and The Carmel House.

SENATOR HARKIN:
2. Why didn't they receive any notice that this was going to be a new requirement and given time to comply, rather than being fined?

MAYOR BARRY:
2. The Luther Place properties have been on notice of the license requirement since its application for a Certificate of Occupancy in March, 1984. Lines 27 and 28 of the Certificate of Occupancy application expressly state that the applicant must obtain a rooming house license. Department of Consumer and Regulatory Affairs has no record of the applicant having applied for a license.

With respect to $500 fine, the District kicked off the Civil Infractions Program in November, 1987. Prior to that time the District held community meetings with all aspects of the business community on the Civil Infractions Program. In addition, fact sheets, brochures on the program, and schedule of fines were distributed.

The imposition of the $500 fine is consistent with the District procedures under the Civil Infractions Program. The Luther Place Shelter has requested a hearing on the matter. The hearing is set for July 12, 1988. The Attorney Examiner will make a determination at that time as to whether the Luther Place Shelter should be fined the full $500.

EMPLOYMENT SECURITY BUILDING

SENATOR HARKIN

1. In last years conference report we directed that no action could be taken by the Federal Government with regard to the Employment Security Building unless the Committee has approved it in advance. You are requesting in your statement that we once again consider transferring title of the building to the District. What has happened in the interim, or do you expect any action in the near future on this matter?

MAYOR BARRY

1. We expect that the Pennsylvania Avenue Development Corporation (PADC) will attempt to force the D.C. Department of Employment Services to vacate the Employment Services Building after December 31, 1988 in order to proceed with their planned development of the site.

SENATOR HARKIN

2. Is there any action that we can take that would be helpful short of transferring the title to the building?

MAYOR BARRY

2. Yes, in the absence of a transfer of title to the building, the District of Columbia requests language that would require the federal government to provide the District of Columbia compensation amounting to fair market value of the property. Such compensation to the District of Columbia would be used for the acquisition and or construction of a replacement facility to continue its operation of employment services functions and would allow us to continue operation of the federally mandated programs currently operated by the Department of Employment Services, including the Unemployment Compensation and Job Service programs.

STADIUM

SENATOR HARKIN:

1. It has been reported that the owner of the Washington Redskins, Jack Kent Cook, has given the city until August to respond to his request for a new stadium. It has also been reported that the District prefers a new 75,000 seat stadium to an expansion of RFK. Without getting too detailed, how would you see this facility being financed?

MAYOR BARRY:

1. While answering your question, I wish to clarify certain facts. Jack Kent Cook and I have mutually agreed that the city will not be able to respond to his request for a new stadium until the stadium studies are completed. The studies are scheduled for completion by the end of the summer. The D.C. Armory Board has retained consultants to conduct two independent studies: a marketing/economic feasibility analysis and an expansion/new construction feasibility analysis to include site, design, and financing options.

The District does not have a preference for a new 75,000 seat stadium rather than expansion of RFK. The

District's preference will be guided by an objective analysis of the issues and the resulting substantiated findings of the studies conducted by experts in the field. As I indicated, the consultants' statements of work include the development of financing options in the event expansion or new construction occurs. Therefore, at this juncture, I am unable to determine how a new facility would be financed. However, we have clearly indicated to the consultants that financing options should not presume the availability of public funds. We are aggressively exploring private financing options and anticipate minimum public expenditure in the event a new stadium is constructed.

SENATOR HARKIN:
2. Would you envision the new stadium also being used for baseball, and, if so, what would RFK be used for?

MAYOR BARRY:
2. The consultants are also analyzing this issue as a part of the study. Therefore, I cannot provide a definite answer until the studies are complete. However, it is generally conceded from an engineering/architectural perspective that it is nearly impossible to provide optimum baseball and football seating in one facility. For example, while RFK is considered to be a multi-purpose stadium facility, its design is ideally suited for baseball. In fact, we are told that it is an exemplary facility for baseball. If a new facility is constructed for football, RFK could be utilized as the home for our anticipated baseball franchise.

DRUGS

SENATOR HARKIN:
1. What are ADASA's Bureau of Information, Prevention and Education goals for the drug education classes, one-on-one presentations, and assemblies in 1989? Please also provide the same information for FY 1988, along with year to date data.

MAYOR BARRY:
1. In recent years, ADASA has allocated the majority of its prevention dollars for the provision of direct services to both students and staff of the D.C. Public School System (DCPS) in the area of drug education. However, in FY 1988, DCPS began a major school-based drug education program utilizing newly hired in-house staff. This initiative foreshadowed a shift in ADASA presention programming to include expansion of its community-bases programs and less direct services within the schools. Thus in FY 1988 and FY 1989, the school-based efforts are focused on the provision of more specialized services within the schools, including peer counseling, technical assistance to staff, etc. Community-based services for school age youth center around around initiatives directed at high-risk youth within their "at home"

environments and include services to their parents and other community members.

Goals for FY 1988 and FY 1989 include the following:

A. School-Based Goals

- To implement a peer counseling and intervention assistance program to assist young people in resisting pressures to use drugs and to approach the problem of drug using students respectively.

- To implement a program which includes health promotion strategies as techniques for prevention and controlling substance abuse services for youth in the District of Columbia.

B. Community-Based Goals

- To enhance public awareness and acceptance that the abuse of mood-altering substances is a major public health and psycho-social problem, requiring positive community and government preventive measures.

- To ensure continuous knowledge and skill development among health and social services professionals, para-professional employees and residents of the city.

An additional goal for FY 1989 is:

- To expand the mobile education program, designed to combat the high incidence of drug abuse in Wards 6, 7 and 9.

YEAR TO DATE DATA - FY 1988

*Activity	Approximate Numbers
In Class	10,936
One-on-One	2,114
In Assemblies	40,820
Community Groups	25,585
Drugmobile Presentations	45,000

*The one-on-one presentations involve walk-in clients, services to community organization, the business sector, religious groups, social organizations and government employees. One-on-one sessions take place through school system programs sponsored by the Prevention Office. Assemblies include major activities within the schools or off-site (such as the jointly sponsored Consititution Hall drug prevention celebration), as well as workshops, conferences, meetings, etc. with the community. There are three (3) major assemblies in the

form of workshops planned for Fiscal Years 1988 and 1989.

SENATE HARKIN:
2. How many analytical and research reports has the Bureau prepared or have in process? How many are planned in FY 1989 and on what topics?

MAYOR BARRY:
2. ADASA prepares monthly recurring analytical reports on its programs, particularly utilization rates and census reports. In addition, a bi-annual drug abuse trend report is prepared which provides an objective assessment of the drug abuse problem in the District of Columbia utilizing nationally recognized data sources including:

- drug-related overdose deaths,
- drug-related emergency room mentions,
- city-wide drug arrests,
- drug urinalysis results, and
- national and local drug abuse hot lines.

The agency periodically undertakes city-wide studies to determine the nature and extent of the substance abuse problem, both in the schools and in the community.

Most recently, a household survey was conducted utilizing weighted and unweighted data and cross sectioning geographic locations within the city.

In FY 1989, a research report focusing on high-risk youth and adults in selected public housing developments is under consideration in conjunction with the city's High Risk Youth Project and Operation Fight Back.

METRO

SENATOR HARKIN:
1. According to press reports in yesterday's Washington Post, handicapped individuals are having difficult with Metro elevators being out of service. Mr. Mayor it seems to me that certain Metro personnel have not been as sensitive to the needs of the handicapped as they should have been. Carmen Turner does a fine job, but I hope you will as the District representative will question the Metro staff closely on some of these issues.

MAYOR BARRY:
1. We have been working with the transit authority on their needs to provide services to the handicapped and my staff participates in the regular meetings with handicapped individuals. Additionally, my staff is involved in policy making for providing transit service for disable passengers.

SENATOR HARKIN:
2. When Metro is supposed to provide backup bus service when the elevator is not working, do they require that the District pay for that service?

MAYOR BARRY:
2. When passengers require transportation due to elevator(s) outages in Metrorail Stations, Metrobus service is provided to the local jurisdiction at no cost.

SENATOR HARKIN:
3. I also hope you will question them about why the intercoms are not working, why it takes a front page story in the newspaper to get them to respond?

MAYOR BARRY:
3. Most of the elevator intercoms are working, but it is acknowledged that some of them malfunction periodically. A program is now underway and has been for some time now to upgrade the reliability of the elevator intercoms and it should be completed in the not to distant future. A significant improvement is anticipated.

SENATOR HARKIN:
4. I wonder if they could equip the elevators with a fare card slot so that you would have to have a fare card to call the elevator? This would seem to eliminate a lot of the vandalism they worry about.

MAYOR BARRY:
4. A system called the Elevator Access Control System (EACS) is presently installed and utilized with fare cards at stations in which the elevator goes directly from the street to the platform. The cost for installation on this system in all stations would be costly and it is doubtful that it would resolve various types of vandalism.

OFFICE OF THE MAYOR

SENATOR HARKIN:
1. Provide a breakdown in dollar amounts for each of the new offices that will be created.

2. How many employees will be hired for each new office?

3. Will these new offices have duties that will be somewhat the same as some of the existing offices such as the Office of Latino Affairs.

MAYOR BARRY:

The above questions pertain to the budget that was submitted to the D.C. Council, which included new positions. These positions and associated funding were not approved by the Council.

OFFICE OF COMMUNICATIONS

SENATOR HARKIN:
1. When public meetings are held in various wards in the District of Columbia to inform citizens about projects, is it the responsibility of the Office of Communications to make sure the citizens receive proper notification?

MS. LAYTON:
1. No, it is not the responsibility of the Office of Communications to notify citizens of public meetings. Agencies publish hearing notices in the D.C. Register to inform citizens of upcoming hearings on specific projects and new programs, and some agencies are required by law to hold public hearings. However, the Office of Communications is not involved with the publication of such notices, nor does it play a role in informing citizens of the hearings.

The Office of Communications' staff does work with agencies and departments in informing the public about city programs and services and in disseminating information on government activities. Also, the Office of Communications operates a speakers bureau that sends representatives to public as well as closed meetings to discuss District programs and services. While publicizing various meetings such as these is not a legal obligation of the Office of Communications, the staff does so in fulfilling its professional responsibility.

CONTRACT APPEALS BOARD

SENATOR HARKIN:
1. Since the Contract Appeals Board is a new board, provide the subcommittee with the titles of the various positions that's needed to start this board.

MR. COOKE:
1. The board will consist of the following seven positions: three administrative judges, one clerk of the board, one paralegal, one legal clerk and one clerk-typist.

SENATOR HARKIN:
2. What exactly will the authority of the Appeals Board be? Will all decisions made by this board be final and the last resource to appeal to with any contracting problems?

MR. COOKE:
2. The board will be an exclusive hearing tribunal and will have jurisidiction to review and determine de novo any protests of a solicitation or award of a contract addressed to the board by any actual or prospective bidder or offeror or a contractor who is aggrieved in connection with the solitication or award of a contract. The board will also have authority to hear any appeal by an aggrieved party from a final decision by the director of the

Department of Administrative Services; and to hear and decide suspension and debarment matters relating to contractors.

SENATOR HARKIN:

3. What will the qualifications have to be for the Administrative Judges that will be serving on this Board?

MR. COOKE:

3. Three of the administrative judges including the chairperson must be attorneys licensed to practice law in the District of Columbia and must have experience in public contract law. All members shall have experience in procurement and contract law.

BOARD OF ELECTIONS AND ETHICS

SENATOR HARKIN:

1. With 1989 being a major election and 1988 a presidential general election year, explain how the projected 1989 budget is $117,000 below the fiscal year 1988 budget especially with maintaining the same number of permanent positions.

MR. FREMAUX:

1. The District of Columbia had three elections scheduled for fiscal year 1988 - a Board of Education General election in November 1987, the Presidential Preference Primary in May 1988, and a District Council Primary in September 1988. For fiscal year 1989, only one election is scheduled, that being the Presidential General election in November 1988. It is the cost of the reduced number of elections, adjusted for factors associated with the size and complexity of each individual election conducted during the period, which results in the net decrease in fund requirements between the two fiscal years.

OFFICE OF EMPLOYEE APPEALS

Senator Harkin:

1. What is the average number of cases filed through the Office of Employee Appeals?

Ms. Banks:

1. OEA receives approximately 174 new appeals annually.

Senator Harkin:

2. What percentage of employees really win their cases and would be reinstated to their previous positions?

Ms. Banks:

2. Cases (i.e. removals) seeking reinstatement and back pay as a reward represent approximately 28% of the decisions issued by OEA. A review of the decisions involving removals issued in past years reveals that approximately 31% of the cases were decided in favor of the employee.

Senator Harkin:
3. If viable cause is found that the employee should be reinstated, will they receive compensation for the long delay.

Ms. Banks:
3. In cases where the employee prevails, back pay is awarded from the effective date of separation until the employee is reinstated.

OFFICE OF PLANNING

SENATOR HARKIN:
1. Explain the duties of the additional 3 community planner positions?

MR. GREENE:
1. The 3 additional community planner positions will focus on initiatives to bring zoning in the District of Columbia into compliance with the city's Comprehensive Plan. These initiatives will include updating neighborhood commercial and residential zones which will result in both text and map changes to the zoning code. Additionally, these positions will allow the office to review and report on the numerous proposed Plan amendments which are likely to follow the completion of the ward planning process.

SENATOR HARKIN:
2. Is the Zoning Assistant position presently filled? If so, will that individual be the person to be converted from temporary status to permanent status?

MR. GREENE:
2. The Zoning Assistant position is not presently filled. The Office has begun to recruit for the position. The individual selected to serve in the temporary capacity will be converted to permanent status, if their performance merits the conversion.

Department of Public and Assisted Housing

Senator Harkin:

1. It was reported in the Washington Post April 10, 1988, that there are 2,247 units of public housing vacant. Of these vacant units, 157 require minor repairs and 369 moderate repairs. Where are these units located?

Mr. Jackson:

1. Of the number of vacant units requiring minor and moderate repairs, 288 are located in N.W., 155 in N.E., 416 in S.E. and 42 in S.W., Washington, D.C.

Senator Harkin:

2. If the repairs are minimum, why have these units been vacant and boarded up for such a lengthy period of time?

Mr. Jackson:

2. Although necessary repairs for a vacant unit may be minimum and the work required to occupy a vacant unit may be classified as minor, the demand for specific unit size determines the priority for units to be repaired. As a result of such demands, some units may remain boarded for a substantial period. In addition, not all vacant units require minor or moderate repair. Almost 1,500 units require comprehensive modernization which can take a substantial period of time to complete. It must also be remembered that as units are repaired and renovated additional units are continuing to be vacated and scheduled for repair and modernization.

Senator Harkin:

3. If these units are made habitable, wouldn't it be a substantial savings for the taxpayers in the District? What percentage of families presently living in the motels/hotels and schools would be able to occupy these units?

Mr. Jackson:

3. Vacant unit repair, especially comprehensive modernization, is costly to taxpayers. Thus, to perform necessary repairs and renovations will not result in a substantial savings to taxpayers. However, the District government's goal in repairing and renovating vacant public housing is to create decent, safe and affordable housing for its residents even though taxpayers may bear an increased burden in providing such services.

   Presently, renovated public housing is offered to those on the public housing waiting list rather than to those families living in motels/hotels, schools and shelters.

Senator Harkin:

4. Explain the program for the supposedly 1,500 mod vacancies. If funds are available to modernize these units, what is the problem? Why is it that 99% are vacant?

Mr. Jackson:

4. Comprehensive modernization is a program which funds complete renovation of public housing properties with the goal of

adding 20 years of viable life to the facility. A major portion of the effort is system renewal, the installation of new heating, electrical and plumbing systems. In order to accomplish comprehensive modernization, units must be 100% vacant. Thus for modernization, not 99%, but 100% of the units must be vacant in order to allow construction to commence. Funds to modernize 1,972 units have been secured from Federal and District sources. Of the 12 projects for which comprehensive modernization is underway or scheduled by the end of 1988, 2 are nearly complete. The remaining properties will be completed within a projected 36 month period. Typically, the District government has experienced difficulties in expending federal funds because such funds are not granted in a lump sum sufficient to fund the entire comprehensive modernization effort. Rather, funds are granted in phases, that is, multi-year funding. This method of payment conflicts with District procurement law which prohibits the advertisement of work and the execution of contracts in the absence of full project funding. Thus, comprehensive modernization efforts have been impeded by the lack of adequate project funding in a lump sum and of sufficient quantity to fund the entire project.

Senator Harkin:

5. Check into this matter and provide a breakdown for the Subcommittee on how many two, three, four and five bedroom units are available for repairs.

Mr. Jackson:

5. Currently, there are 901 vacanies that are not scheduled for comprehensive modernization. Of this number, there are 189 efficiencies, 240 one bedrooms, 233 two bedrooms, 141 three bedrooms, 48 four bedrooms, 34 five bedrooms, 15 six bedrooms and 1 seven bedroom.

Senator Harkin:

6. Are the funds really available for doing the repairs on these units? If so, why weren't the repairs made earlier?

Mr. Jackson:

6. Adequate funds are available for performing necessary repairs on vacant units. However, repair delays may arise due to the procurement process that must be followed in the District of Columbia. This process requires time to perform such functions as soliciting bids, placing orders, allocating funds and receiving requisitions.

D.C. HOUSING FINANCE AGENCY

SENATOR HARKIN:

1. This agency was created to help alleviate the shortage of adequate housing in the District, it seems as if the shortage has increased rather than decreased. Provide a breakdown in how the shortgage has been handled since this agency was established in 1982. How many families have been placed in decent dwellings through direct help from this agency?

MS. MADISON:

1. In general, the dynamics of the District of Columbia's housing market are similar to those in other urban areas. Basically, the demand for decent and affordable housing exceeds the present capacity to construct and rehabilitate housing units. In the District this dilemma is compounded by the limited amount of developable land and the high cost of real estate. Housing built by the private sector with conventional financing tends to be out of the price range of most of the District's low and moderate income population. In addition, the reduction in Federal deep subsidy programs and changes in certain real estate investment tax incentives have reduced the overall production of affordable housing.

   The Agency is fully aware of these conditions and has, since its inception, sought to produce the most decent and affordable housing using available Federal and local resources. The following data describes the Agency's efforts in helping to reduce the shortage of decent and affordable housing since its initial bond issue in 1982.

DCHFA - Assisted Single Family Home Acquisition and Multifamily Housing Production
(From inception through First Half FY 88)

SINGLE FAMILY OWNERSHIP HOUSING	
FISCAL YEAR	# FIRST-TIME HOMEBUYERS
1982	(No program in operation)
1983	(No program in operation)
1984	(Program began last quarter of FY 84)
1985	635*
1986	194
1987	235
1988 (First Half)	113
TOTAL	1,177

*FY 84 and FY 85 bond issues in operation simultaneously.

MULTIFAMILY RENTAL HOUSING			
FISCAL YEAR	TOTAL	NEW CONSTRUCTION	SUBSTANTIAL REHAB (PREVIOUSLY VACANT)
1982	259	100	159 (142)
1983	309	150	159 (24)
1984	351	0	351 (181)
1985	1,020	360	660 (412)
1986	756	325	431 (152)
1987	336	246	90 (90)
1988 (First Half)	819	250	569 (227)
TOTALS	3,850	1,431	2,419 (1,228)

1. DCHFA has assisted 1,177 first time homebuyers acquire homes since FY 1985. Since FY 1982, DCHFA has assisted in the development of 3,850 units of rental housing. Approximately 37 percent or 1,431 of the units constitute new additions to the District's housing stock. Of the 2,419 units rehabilitated with DCHFA funds about 51% (1,228) were vacant at the time of DCHFA financing. Over 58 percent of all DCHFA financed units are reserved for the exclusive benefit of low and very low income families.

SENATOR HARKIN:

2. Are there additional resources that should be available to the Agency for use that should be checked into to really get some of these families out of the motels and hotels into decent living quarters?

MS. MADISON:

2. In general, those persons who are forced to reside in temporary emergency housing have limited or no income. This is the principal hinderance to their ability to secure decent housing. Certainly with respect to short term emergency housing other local and Federal resources are needed to provide for additional units of this type. Below market rate financing alone generally will not provide a deep enough subsidy to assist households with little or no income. A deep rent subsidy program such as that provided under the Section 8 program is needed to assist such households. The District of Columbia has established a rent subsidy program, the Tenant Assistance Program (TAP) administered by the District's, Department of Public and Assisted Housing, which currently provides assistance to families in need of emergency shelter. The Agency will seek to use TAP in combination with its tax exempt financing. However, in the absence of additional direct federal assistance for permanent housing, the provision of decent and affordable shelter for substantial numbers and very low income households will continue to be a difficult challenge to local government.

SENATOR HARKIN:

3. What are the guidelines to go by in order to apply for funds from these programs set up for low to moderate income families to purchase homes?

MS. MADISON:

3. The Agency's Single Family program essentially provides long term fixed rate financing for first time homebuyers but can finance non-first time homebuyers who purchase property in designated target areas. The specific interest rate and point structure varies with the individual bond issue transaction, however, there are certain elements, while subject to adjustments, apply to all such Single Family bond issues.

   Generally, under each bond issue there are several participating private lenders who reserve up to a specified portion of the available mortgage proceeds. Individuals seeking loans apply to one of the participating lenders after having secured a sales contract. If a loan is approved by the lender it is then purchased by the Agency which provides a secondary mortgage market. To qualify for the program individuals must have incomes within maximum limits adjusted by household size as established by the Agency, and seek properties that are within purchase price limits set by the Agency. Other features include reservation for the first 90 days of the issue 30% of the proceeds for persons with incomes of $30,000 or less.

   The Agency advertises its programs in order to reach the widest possible public through newspaper ads, public meetings, brochures, selective mailings and the electronic media.

SENATOR HARKIN:

4. Can an individual working and not receiving any form of public assistance apply for these funds and is there a minimum and maximum amount an individual can earn?

MS. MADISON:

4. In general anyone who meets the basic program guidelines can apply for a mortgage loan under the Agency's single family program however whether or not they will ultimately qualify for a loan depends upon their meeting prescribed underwriting standards. Underwriting standards would include the adequacy of income-to-purchase-price, extent of debt obligations, credit history, etc. For example, an individual with an income income of $20,000 would not likely be able to carry a mortgage on a $80,000 home; or a person with an income of $35,000 might not qualify for this same mortgage if they are too heavily indebted with other obligations. Mortgage lending industry standards are generally applied to provide basic parameters for determining affordability on a case by case basis under the Agency's single family loan program.

   As indicated under answer number 3, in order to meet the basic qualifications for the Agency's single family loan program the

prospective homebuyer's household income must not exceed the prescribed income limits adjusted by household size. The program has no established minimum income limits.

There are other locally funded programs such as the Home Purchase Assistance Program (HPAP) to assist those who can not afford the the high cost of housing in the District of Columbia. The HPAP program can and has been used in conjunction with the Agency's tax exempt financing.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

SENATOR HARKIN:
1. In addition to the eight additional housing inspectors that you are requesting for fiscal year 1989, what will the other positions be and what will their duties be?

MR. MURRAY:
1. The FY 1989 Budget Submission for the Department of Consumer and Regulatory Affairs requests twelve positions to address the Alcoholic Beverage Control Amendment Act, D.C. Law 6-217. The Act is a comprehensive overhaul of the regulation of alcoholic beverage control licensing in the District of Columbia, and substantially increases the workload of the Alcoholic Beverage Control Division. Among other requirements, the new law increases the number of license categories from 13 to 19; requires quicker resolution of contested cases, requires compliance with a new 45% food standard; necessitates measurement of area delineations to afford protest/petition rights; and provides for greater community input into the licensing process.

SENATOR HARKIN:
2. With the numerous public housing projects in the District, do you think 2 inspectors will be sufficient to cover all of these units for inspection?

MR. MURRAY:
2. The FY 1989 Congressional Submission for the department does not address public housing inspections. Additional positions for housing inspections were deleted after Council review. Four positions were redirected within the department to address housing inspections related to the 8DC-HELP Program.

SENATOR HARKIN:
3. What is the total number of inspectors and how many in addition to the two requested in the 1989 budget are assigned to inspect the public housing units?

MR. MURRAY:
3. With the four redirected positions, there will be 64 housing inspectors in FY 1989. Housing inspectors are not assigned to public or private housing, but rather by ward and perform all inspections of housing units, public and private, within their assigned ward.

METROPOLITAN POLICE DEPARTMENT

SENATOR HARKIN:

1. Some officials seem to think that the City should hire some police officers. The Mayor does not agree because the District has more police officers per capita than any of the nation's 22 other largest cities. Will you explain the procedure that is being implemented to help combat the violent crimes that is occurring daily if the police patrols cannot be increased?

CHIEF TURNER:

This statement is not totally accurate. Police patrols are being increased with special task forces and other specialized units within the department. These units can be deployed in areas where there may be high levels of violence and drug activity. Overtime is also a resource that is used to put more police officers in any given area of the city.

SENATOR HARKIN:

2. It was stated by Chief Turner that 101 officers would be shifted from desk jobs back onto the streets. Has that initiative taken place?

CHIEF TURNER:

This initiative has been partially accomplished. Although 101 different sworn job positions have been identified for civilianization, there are thirty-nine (39) categories for which job descriptions are being written and classifications made. Once this process is completed, funding for these positions will be requested. It should be noted that each sworn position supports a daily operation of this department and incumbent officers should not be redeployed without a competently trained civilian replacement. The department will continue its efforts in the civilianization of sworn positions.

SENATOR HARKIN:

3. What method has been used or will be used to recruit civilians for these vacant positions?

CHIEF TURNER:

The method used by the department to recruit civilians for these positions is as follows:

1. Preparation of job description and classification of positions for appropriate DS-level;

2. Request funding;
3. Recruitment and selection;
4. Placement;
5. Orientation and training

SENATOR HARKIN:

4. How will the department phase in the 9mm semi-automatic weapons? Will they be distributed to a specific group first or will the entire department receive them at the same time?

CHIEF TURNER:

Specialized training on the use of the 9mm weapon is being given to all of the members within the Training Division and the Special Operations Division. These members will in turn be responsible for training the remaining members of the department.

After this training is completed the recommended priority of issuance is intended to first arm the personnel who are working in the districts, that are experiencing the most serious narcotic-related crimes. Also the arming of CDU personnel during the first training phase will place a sampling of weapons into each district. In addition, all recruits will be trained with the weapon so that transition training will not be necessary. It has been recommended that the following schedule be used for the distribution of 9mm weapons.

Training Phase One:
- Remaining Special Operations Division Personnel
- Civil Disturbance Unit Personnel
- Seventh District Personnel
- Sixth District Personnel
- Morals Division Personnel
- Recruit Officers

Training Phase Two:
- Third District Personnel
- First District Personnel
- Fifth District Personnel
- Fourth District Personnel
- Second District Personnel

Training Phase Three: Remaining Field Operations Bureau Personnel
Inspectional Services Bureau Personnel
Technical Services Bureau Personnel
Administrative Services Bureau Personnel
Internal Affairs Division Personnel
Office of the General Counsel Personnel
Office of Finance and Management Personnel
Office of the Chief of Police Personnel

SENATOR HARKIN:

5. Will these new semi-automatic weapons be a permanent change for the officers or will it just be for a certain period of time due to the drug wars and the safety of the officers. Will the police officers stand a better chance if the weapons are compatible?

CHIEF TURNER:

The institution of the new semi-automatic weapons will be a permanent change for the department.

The department feels that these weapons will be compatible.

SENATOR HARKIN:

6. With all the crimes that have been committed this year, how is the police department doing for solving the majority of these crimes? Out of the number of murders that's been drug related, how many individuals have been arrested for those murders?

CHIEF TURNER:

The violence associated with drugs involving persons from out-of-state have caused homicide investigations to be much more complex and difficult to solve.

As of June 7, 1988, 26 persons have been arrested, with six (6) warrant outstanding.

SENATOR HARKIN:

7. It has been stated that the police department cannot wipe out the drug trafficking and crimes alone. They need help from the citizens of the community. What are some of the ways citizens can best assist the police department without taking to the streets themselves? There is always the possibility that innocent citizens can get caught in a cross fire between police and the bad guys. There has to be a way the community and the police department can coordinate their efforts to avoid some of the accidents.

CHIEF TURNER:

The department has a number of programs designed to motivate citizen participation in police sponsored activities that does not take them into the streets. These programs are:

1. Neighborhood Watch
2. Gotcha Rewards
3. Major Drug Dealers Rewards
4. Tipsters Confidential Information Telephone line

The department constantly encourages citizen participation in these programs.

SENATOR HARKIN:

8. There are pros and cons to groups like the Muslims. They are trained to fight without weapons, in your opinion, how will their skills match up to the 9mm machine guns, and 357 magnum derringers and all of the most sophisticated weapons that drug money can buy?

CHIEF TURNER:

8. The Muslims, as I understand it are not interested in confronting armed drug dealers that prey upon the residents of the District's housing complexes. Rather, this group's presence is geared toward lessening the levels of open drug transactions within the housing development by providing a 24-hour patrol service. Clearly, this type of service is no match for drug perpetrators who carry automatic weapons and other forms of sophisticated artillery. Police presence is supporting this effort.

FIRE DEPARTMENT

SENATOR HARKIN:
1. In the past year there has been a number of incidents involving ambulance service. It has been decided that the ambulance service should be a bureau within the Fire Department. How will this newly created bureau work separately within the Fire Department?

Mr. Cavenagh:
1. Elevating the Emergency Ambulance Bureau from a division to a bureau puts it on par with the other major operating components of the Fire Department. The bureau of emergency ambulance service is part of the "line" function of our department. It controls all ambulance responses and trains technicians to operate its ambulances. This bureau has 302 positions.

SENATOR HARKIN:
2. Do you have any problems in finding qualified individuals for the positions available within the paramedics field?

Mr. Cavenagh:
2. We do not yet know the answer to this question. The current recruitment effort began, in earnest, during the month of April, 1988. Thus far, twelve candidates have been selected from certification lists provided by the D.C. Office of Personnel. Those candidates are currently undergoing background checks. Those persons passing the background checks will be offered positions. If any of those persons decline offers of employment they will be surveyed to determine their reason(s) for declining.

SENATOR HARKIN:
3. Is the residency requirement still in effect for the paramedics?

Mr. Cavenagh:
3. Yes, the residency requirement is still in effect for paramedics.

SENATOR HARKIN:
4. Provide information on how the ambulance service will be shifted from late night service to more availability during the day and early evening hours.

Mr. Cavenagh:
4. Studies have shown that there is a very strong time-of-day pattern of demand for ambulance service in the District. By this plan, the current fleet of twenty-one ambulances will be redeployed across the hours of the day so that the supply of ambulances will more closely match the actual demand for ambulance service. By moving five ambulance units from the off-peak hours when the call rate is under seven calls per hour to the high peak hours of 1:00 p.m. to 9:00 p.m., when the call rate averages eighteen per hour, we will reduce from seventeen percent to less than two percent, the likelihood that the

right kind of ambulance will be unavailable. This improvement in service can be achieved using existing resources and at no additional cost to the taxpayer.

DEPARTMENT OF CORRECTIONS

SENATOR HARKIN:
1. What steps has the Department of Corrections taken to help curtail the infiltration of drugs to the inmates at Lorton and the other corrections facilities in the District of Columbia?

MR. WILLIAMS:
1. The following is a synopsis of the efforts made by the Department of Corrections to curtail the flow of narcotics to inmates housed at Lorton and other correction facilities located in the District of Columbia.

a. Large signs are posted at the entrance to each institution explaining that anyone discovered introducing or attempting to introduce narcotics into the institution will be subject to arrest and prosecution.

b. All visitors as well as staff are searched prior to entering an institution.

c. All containers, bags, packages and other items capable of concealing illegal drugs are searched.

d. All residents are strip-searched at the conclusion of social visits.

e. Daily searches of housing areas, offices, workshops, and other buildings and grounds accessible to residents are conducted at each institution.

f. Each institution and facility of the department is required to make random and unannounced collections of urine specimens for chemical analysis.

g. Coordinated efforts are made with other law enforcement agencies to prosecute staff suspected of supplying drugs to resident population.

h. Programs designed to prevent and treat substance abuse have been initiated at each facility.

SENATOR HARKIN:
2. What measures are implemented when a visitor is in possession of drugs while visiting with a inmate? Possession is a crime. What steps does the Department of Corrections take to have these visitors prosecuted?

MR. WILLIAMS:
2. As outlined in applicable departmental regulations and operating procedures, when a visitor is found in possession of drugs while attempting to enter any department facility, several actions take place, i.e.:

a. The individual(s) is immediately restricted from entering the facility.

b. Notification to the proper authorities is made, and the drugs are confiscated, tagged, and placed in a secure area to ensure their use as evidence.

c. The resident who received the social visit is questioned as to his knowledge of the violation.

d. Individuals discovered introducing or attempting to introduce drugs are referred to the proper authorities for prosecution and are suspended indefinitely from entering any department facility.

SENATOR HARKIN:
3. Do you know of any methods that can be used to help curtail some of the crimes within the prison system that haven't been implemented in the past?

MR. WILLIAMS:
3. There are some methods that could contribute to the curtailment of crime within the prison system. These have not been implemented due to their enormous cost and competing demands for limited resources to address spiraling population and requirements to improve basic conditions of confinement. Specific methodologies are as follows:

- o Use of single-cell housing for all medium security prisoners;
- o Intensive drug treatment programs; and
- o Extensive application of the latest in correctional technological advances.

Single cell housing for all medium security inmates provides increased overall security and facilitates population management. Far fewer incidents occur in a single cell setting than in a dormitory setting. Dormitories make up the majority of the Department's current housing. The cost of renovating existing facilities to single cells is extremely great.

The criminal justice system is seeing an increasing number of inmates whose profiles include extensive substance abuse histories. Currently, the Department has limited treatment services, relative to the need, to address the special therapeutic requirements of such persons. The Correctional Treatment Facility, scheduled to open in 1991 or 1992, was designed specifically to respond to the need for extensive treatment programs. The operation of this facility will afford the District of Columbia an opportunity to respond to criminal conduct linked to controlled substances in a multifaceted way, recognizing that such behavior is far more than simply illegal.

Technological advances in corrections equipment are occurring at an ever increasing rate. These advances generally provide for a

more secure facility and less staff intensive operations. The Department's specific focus would be on identification systems, surveillance cameras, locking apparatus, communications systems, intervention weaponry, and personal security systems. However, at a time of great fiscal constraint, it is not possible to move in this direction and, at the same time, provide for basic custodial requirements.

While some options are beyond immediate reach due to budgetary limitations, the department has taken steps to engage residents in constructive activities which help reduce the likelihood that they will return to criminal behavior. Significant progress has been made in expanding opportunities for residents to improve their academic standing and marketable skills. They have been encouraged to do so with the implementation of the Good Time Credits Act, which rewards program participation and positive behavior with application of good time towards release from custody.

While we believe we have vastly improved program and service delivery, due in large part to the interest and support of the Congress, there is still much more that can and should be done. The availability of programs must continue to grow with the population. However, the current focus must, by necessity, be on securing our growing population. Because resources and human energies are limited, program considerations receive less attention than we would prefer to give them.

SENATOR HARKIN:
4. With the education program initiative in place, how many inmates have really benefitted from this program?

MR. WILLIAMS:
4. The District of Columbia recognizes the serious need for educational and vocational training for its inmate population. Most inmates incarcerated at the Lorton Complex have less than a high school education when committed to our facilities. Since the Department seeks to discourage the cycle of inmate recidivism, inmate participation in both educational and vocational programs is seen as an integral part of the Corrections' mission. The Criminal Justice Initiative Act was signed into law in Fiscal Year 1984. The addition of these resources and a resolve to improve educational programs resulted in program expansion and an increase in academic/vocational enrollments. The figures presented below provide evidence of the number of inmates benefitting from participation in educational programs.

	ACADEMIC ENROLLMENTS				
Fiscal Year	1983	1984	1985	1986	1987
GED Preparation	180	305	294	249	249
Basic Literacy	120	355	419	453	273
Adult Basic Education	500	840	669	658	810
Total Academic Enrollments	800	1,500	1,382	1,359	1,332

Projections:	FY 1988	FY 1989
Total Average Academic Enrollments	2,220	2,520

Fiscal Year	1983	1984	1985	1986	1987	PROJECTIONS 1988	1989
GED Tests Administered	180	305	336	296	243	400	500
Percentage Passing	N/A	72%	70%	61%	60%	40%	40%

VOCATIONAL ENROLLMENTS

Fiscal Year	1983	1984	1985	1986	1987
Total Enrollments	206	429	604	671	615
Number of Completions	120	160	66	36	302

Projections:	FY 1988	FY 1989
Total Average Vocational Enrollments	1,199	1,668

SENATOR HARKIN:
5. Have any of the inmates released on parole maintained jobs from training or education received from the programs at Lorton?

MR. WILLIAMS:
5. The Department of Corrections is aware that many former inmates, who have been released on parole, obtain and maintain jobs as a direct result of training or education received at Lorton. However, a realistic estimate of the number of these inmates isn't available, since no formal systems have been in place for collecting follow-up data. Emphasis is now being placed on coordination of job placement services and the development of systematic follow-up procedures. The reporting system which has been developed shows that, thus far in FY 1988 23 of 471 resident job placements were directly related to skills developed in the institutions. In the future, job placement follow-up will be conducted at 30, 60, and 90 day intervals. Responding to specific congressional direction, the department's job placement services are now being coordinated through the Office of Educational Services.

BOARD OF PAROLE

SENATOR HARKIN:
1. With the projected increase of parolees in 1989, how many additional parole officers will you need?

Mr. Rivera-Torres:
1. During FY 1988, the Board of Parole has undertaken a realignment of the Parole Supervision Services Division. The realignment is intended to promote individual and agency efficiency in all parole supervision services. Its thrust is to establish organizational specialization based on the type of service being performed, and the level of supervision needed.

In the past, parole officers maintained an assigned caseload of clients requiring a wide variety of services and different levels of supervision. Under the realignment, the wide range of duties parole officers have been required to perform will be narrowed and differentiated; this will enable parole officers to develop greater expertise and accountability within their respective areas of specialization. It is our belief that in realigning Parole Supervision, the Board will not require an increase in parole officers in FY 1989.

SENATOR HARKIN:
2. How are these individuals trained and what constitutes their ability to be parole officers?

Mr. Rivera-Torres:
2. Each new parole officer receives an in-depth orientation on the purpose, mission and objectives of the Board of Parole and Parole Supervision Services. Included in the orientation phase is field training where the new parole officers accompany senior parole officers as observers. After completing the orientation phase, new parole officers work under the close supervision of a Supervisory Parole Officer for the first six months.

All applicants for the position of parole officer are required to have a B.A. or B.S. degree with a minimum of 24 credit hours in the social sciences and three years of related work experience.

SENATOR HARKIN:
3. Give a detailed description of what the duties of these individuals are.

Mr. Rivera-Torres:
3. In the past, all the duties listed below were performed by every parole officer. With realignment of the Parole Supervision Services Division, parole officers will perform the duties related to the functional area to which they are assigned.

Functional Area One: Investigation and Resource Development.

- o identify service and program needs of parolees, and develop appropriate parole plans;
- o identify and develop community resources to meet the individual needs of parolees which enable a constructive and productive level of functional citizenship;
- o investigate and present evidence at revocation hearings on cases of alleged parole violations reported to the Board; and
- o process urine specimens submitted by parolees for drug testing.

Functional Area Two: Intensive and Maximum Supervision and
Functional Area Three: Medium, Minimum, and Inactive Supervision.
(Duties vary only in the intensity of the supervision provided.)

- o supervise parolees in the community, and monitor adherence to parole conditions;
- o conduct home and job verifications and assessments;
- o provide counseling, guidance or other support services to meet parolees' needs; and
- o maintain case records and submit reports to the Board on individual parolees' adjustment and progress, changes in circumstances, alleged parole violations, etc., with recommendations for action.

OFFICE OF EMERGENCY PREPAREDNESS

SENATOR HARKIN:
1. Explain how the computerized D.C. HELP System work.

MR. YELDELL:
1. DC HELP is a Citizen's Information and Referral Service designed to relieve the 911 Emergency System of nonemergency calls. DC HELP operates 24 hours a day, seven days a week. The operation of DC HELP is quite simple. Each agency of the District Government identified those areas of concerns most frequently addressed by citizens and also identified an individual in their agency responsible for responding to such concerns. This information is entered into a computer base for use by the DC HELP Information Specialist.

A citizen dials 8DC HELP (832-4357) and provides basic personal information and the nature of request for services. This information is entered into the computer which in turn gives the name, agency and telephone number of the person who will assist the citizen. This is relayed to the citizen. Within 48 hours the citizen is contacted by the agency. The agency has five days to provide the requested service. The citizen also receives a letter of acknowlegement from the Mayor. The DC HELP staff includes a bilingual information specialist to respond to callers who speak Spanish.

SENATOR HARKIN:
2. Since its implementation, has it helped or nearly eliminated the non-emergency calls from the 911 number?

MR. YELDELL:
2. Although nonemergency calls to 911 are switched to the DC HELP system, they are still included in the statistics on number of calls to 911. In 1987 the Metropolitan Police Department's 911 line experienced a decrease in calls. This decrease was attributed to increase public awareness of the DC HELP system, alleviating the 911 of nonemergency calls.

DC HELP continues to provide relief to 911 for nonemergency calls. For the first quarter of 1988, DC HELP received approximately 60,000 calls. However, comparing 1988 quarterly reports with 1987 quarterly report, the 911 system has experienced a steady increase in the number of calls. Based on the statistics to date, it can be estimated for 1988 that the total number of calls to 911 will reach over 1 million.

DEPARTMENT OF HUMAN SERVICES

Senator Harkin:
1. How is the stipend for a drug treatment applicant determined?

Mr. Parham:
1. We do not anticipate implementing the treatment stipend program before the end of the fiscal year. The City Council apparently intended for individuals needing treatment to present as they normally would, for processing through the existing admissions system. If they had had no prior treatment, officially reside in the city and could not immediately access city treatment facilities due to a waiting list, they would become candidates for a stipend which would make available treatment services offered by private sector programs. Our plan is to make the necessary assessments, select the appropriate program, make the referral and conduct the follow-up required of any contractual arrangement. We would seek to have prearranged agreements with any private program that wishes to participate.

Senator Harkin:
2. Do you have a follow-up procedure to determine what this stipend is used for? Should it be used to pay for drug treatment?

Mr. Parham:
2. It should only be used to pay for drug treatment. Since we will remain in control of the transaction, we will, in fact, pay only for drug treatment services provided. In addition, we plan to project the extent of services needed based on our assessment and will expect to pay only for those services unless more or different treatment is specifically justified. We will have a reliable management system in place when we begin this stipend program.

Senator Harkin:
3. What procedure is used to determine if an individual can receive temporary public assistance? If an expectant mother has previously been employed but for some reason cannot maintain her job during pregnancy and applies for public assistance; what steps will she have to take in order to receive some type of assistance?

Mr. Parham:
3. An expectant mother who cannot maintain her job during pregnancy may apply for AFDC, Medicaid, and Food Stamp benefits at the DHS

intake center servicing the area where she lives. At the time of application, the expectant mother must bring verification from her physician that she is pregnant including an expected date of delivery. During the intake interview the applicant will be given a checklist which specifies the various types of information required to determine eligibility for assistance. Once this information is provided, a decision will be rendered.

Senator Harkin:
4. Is there some way a person can be informed if they are possibly eligible for benefits before they gather all of the documents and general information?

Mr. Parham:
4. Pamphlets on each of the income maintenance programs are available at the DHS Office of Public Information and at each of the decentralized centers. These brochures contain information on program eligibility requirements such as income resources and residency as well as indicates the types of documents used to determine program eligibility. Staff from the DHS Income Maintenance Administration (IMA) routinely participate in community and ward meetings as well as health and social service fairs to advise the public at large about the income maintenance programs.

Senator Harkin:
5. Can a person be disqualified if they own an automobile or live in a comfortable apartment because they at one time could afford this and will be able to again if they only could receive a little assistance?

Mr. Parham:
5. A person may own an automobile provided its equity value does not exceed $1500. If the value of the automobile exceeds $1500, the difference may be applied toward the $1000 limit; each applicant's combine resources (automobile and other) cannot exceed $2500. The amount of rent paid for a "comfortable apartment" in and of itself will not disqualify a person. Shelter costs, which are included in the District's AFDC grant, are not supplemented if the rent exceeds the AFDC payment.

DEPARTMENT OF PUBLIC WORKS

SENATOR HARKIN:
1. There has been a number of complaints about the way parking tickets are handled. The process seems to be so long and drawn out that individuals that think they receive tickets unfairly will consent to pay a ticket rather than find out if they really deserve to have the ticket. Is there some way this process can be resolved without an individual having to lose a full day from his employment?

MR. TOUCHSTONE:
1. Motorists who receive parking tickets in the District of Columbia may appear at the Bureau of Adjudication at 65 K Street, N.E., for a walk-in hearing Monday through Friday from 8:30 a.m. to 3:00 p.m. The Bureau of Adjudication has eleven

(11) full time Hearing Examiners to adjudicate traffic violations which means the current waiting time for a hearing is 45 to 55 minutes. We are attempting to reduce the waiting time to 30 minutes for a walk-in hearing.

SENATOR HARKIN:
2. What alternative do you have or do you plan to implement for individuals that are visiting someone in a zone parking permit area? Is there a particular place that a visitor can pick up a temporary pass for one day or a few hours? If not, why not?

MR. TOUCHSTONE:
2. Visitor's permits of up to 15 days are issued by the Metropolitan Police Department in each ward. Residents may request the permits for visitors to their homes by completing an application at the district station, providing the visitor's name, address, and vehicle tag number.

The visitor's permit may be extended for a second 15-day period. Beyond that time, the visitor must either obtain a 6-month reciprocity permit or re-title his vehicle in the District, depending on individual circumstances.

WASHINGTON CONVENTION CENTER

Senator Harkin
1. Now that the projections are in from the last five years of revenue, what do you project the revenue potential will be for the next five years? Do you think it will increase or taper off?

Mr. Demarest

1. As illustrated below, the number of national conventions held at the Center fluctuates each fiscal year. Accordingly, the revenue the Center generates fluctuates annually. A number of the upcoming events are new to Center and it is difficult at this point to make projections.

PROJECTED REVENUE
($000's)

FISCAL YEAR	1988	1989	1990	1991	1992
REVENUE	$5,500	$6,100	$5,500	$5,500	$5,500
NAT'L CONVENTIONS	20	27	23	21	22

Senator Harkin
2. What percentage of revenue comes from rock concerts? The first few years of operation you hosted a number of rock concerts, is there any particular reason the Convention Center has slowed in that area of entertainment?

Mr. Demarest

2. The Center's booking policy requires that first priority be given to national conventions that attract out-of-delegates. These delegates spend out-of-town dollars that translate into tax revenue for the District. Very little of the Center's revenue is generated by rock concerts due to the number of national conventions the Center hosts. Unfortunately dates are not available for concerts and other public events.

Senator Harkin

3. Is the security for the Convention Center contracted out or do you have an in-house security staff force?

Mr. Demarest

3. Security for the Center is managed by an in-house security staff of 22 people. This includes a Chief of Security, an Assistant Chief of Security, 3 Shift Leaders, 16 Security Officers, and an Information Assistant.

Senator Harkin

4. What are the 20 new positions requested for fiscal year 1989?

Mr. Demarest

4. The following lists the 20 positions requested for fiscal year 1989:

No.	Position Title	Description
3	Journeyman electricians	show installation
1	Receptionist	exec. office receptionist
2	Bldg. Service Supervisor	staffing shortage
3	Security officers	routing patrols/staffing shortage
1	Spec. Asst. Legal/Admin. Affairs	legal advisor to Board of Directors and General Mgr.
1	Engineer	sprinkler system maintenance
1	Telephone technician	show installation
2	Security Officer	routine patrol/staff shortage
1	Sound Technician asst.	staffing shortage
1	Computer programmer	software maintenance
2	Senior electrician	building maintenance
1	Junior electrician	building maintenance
1	Sales Representative	automated directory

OFFICE OF CABLE TELEVISION

SENATOR HARKIN:

1. What percentage of the residents in the District of Columbia have access to cable television?

MR. MAULSBY:

1. Cable Television is currently accessible to 43 percent of the residents in the District of Columbia.

QUESTIONS SUBMITTED BY SENATOR REID

DRUGS

Senator Reid:

1. I read with interest your testimony concerning the District's War on Drugs. In the District it is truly a war. In 1987, there were 227 homicides. 111 or 48 percent of these were drug related. As of yesterday, there were 120 homicides in 1988. 71 or 59 percent were drug related. You have requested a $28.3 million increase in funding for the Police Department. Is the entire increase earmarked for fighting drugs?

Mayor Barry:

No, the $28.3 million dollars will support many of the departments law enforcement activities. Although all of these funds are not specifically for drug enforcement they will, in someway, support the department's narcotic enforcement efforts. The following represents the FY 1989 $28.3 million dollar budget increases:

1.	Increases for FY 1988 and FY 1989 Pay Adjustments	$19,245,000
2.	Increase for 75 Non-Term Part-time Police Cadets	836,000
3.	Increases for 25 Full Time Police Cadets	335,000
4.	Cadet Uniforms	123,000
5.	Data Processing Upgrade	2,350,000
6.	137 New Police Officers	4,060,000
7.	38 New Police Officers	1,162,000
8.	Increase for Rental Cost	93,000
9.	Increase for Fourteen Scout Cars	196,000
	Total	$28,400,000

Senator Reid:

2. You mentioned Phase I and Phase II of "Operation Fight Back." What progress has been made in implementing these two programs?

Mayor Barry:

Operation Fightback is one program composed of many components. It is a city-wide effort designed to

combat the drug problem in the District through a public partnership of 11 city government agencies to reduce the demand for illicit substances. We are planning to implement a variety of programs based on three principles: prevention, treatment, and enforcement.

Senator Reid:

3. Why was "Operation Cleansweep" dropped? How does "Operation Fight Back" differ from "Operation Cleansweep?"

Mayor Barry:

Operation Cleansweep was never dropped, it was intermittently operated as a tactical measure so that drug offenders could not predict when the operation was in use. Operation Cleansweep was entirely a Police Department operation that focused on disrupting illegal drug activity at the street-level. Operation Fightback is a joint effort with 11 other city government agencies. It encompasses educational programs, and development of treatment facilities, in addition to our enforcement efforts.

HOUSING

SENATOR REID

1. The District has done a fairly good job in providing housing opportunities in one of the most expensive markets in the country. You are increasing funding for homeless programs by nearly 300 percent and providing $44.6 million for other housing programs. How does this $44.6 million figure compare to the Fiscal Year 1988 budget figure?

MAYOR BARRY:

1. I believe the $44.6 million figure you mention relates to the combined appropriation for the D.C. Department of Housing and Community Development (DHCD), the D.C. Department of Public and Assisted Housing (DPAH), and the D.C. Housing Finance Agency (DCHFA), as proposed for Fiscal Year 1989. This total compares with a total of $47,436 million approved in the Fiscal Year 1988 budget. As shown on Page IV-45 of the Fiscal Year 1989 Operating Budget, the budget comparison is as follows:

	($000)	
AGENCY	FY 1988	FY 1989
DHCD	$44,098	$19,384
DPAH	Not Applicable	$23,019
DCHFA	$ 3,338	$ 2,238
TOTAL	$47,436	$44,641

The new Department of Public and Assisted Housing was created by the Mayor's Reorganization Order Number One of 1987, and became effective after review by the Council of the District of Columbia on December 15, 1987. Thus, the first budget in which DPAH is budgeted for separately is in Fiscal Year 1989, and the Fiscal Year 1988 budget for DHCD reflects the total District appropriation for the combined functions of DHCD and DPAH, as approved prior to the reorganization.

As shown on Page IV-45, the combined total District appropriation for all three agencies will actually drop between Fiscal Year 1988 and Fiscal Year 1989 by almost $2.8 million. This reflects efforts by the Mayor and Council to realize cost savings where possible and present a balanced budget in relation to available revenues.

You mentioned the increase in funding for homeless programs. While the programs of DHCD and DPAH are used to provide permanent housing assistance and resources to families who are homeless or living in District shelters, the increase noted is proposed for emergency shelter costs in the budget of the Department of Human Services (DHS). As explained on Page V-31 of the Fiscal Year 1989 Operating Budget, emergency shelter costs within DHS are projected to increase from the $7.8 million approved in Fiscal Year 1988, to $12.6 million in the Fiscal Year 1988 revised budget, and to $18.0 million in the Fiscal Year 1989 budget. The increases requested relate to implementation of the District's Comprehensive Plan for the Homeless, and are much needed to meet the rapid increase in the number of homeless families which this city, and other cities throughout the nation, are now facing.

Both DHCD and DPAH are working closely with DHS to create permanent housing opportunities for homeless families in order to attempt to control the expense of providing temporary shelter. The continuing assistance and funding support of the Federal government, such as funds from the McKinney amendments, is much needed to assist our local efforts and plans.

SENATOR REID

2. I am the sponsor of a bill in the Senate, S.2282, requiring Congress to evaluate and reauthorize nearly every federal program at least once every ten years. The purpose of my bill is to consolidate and eliminate superflous and duplicative programs. Thus, I am quite interested in learning the District has: a Department of Public and Assisted Housing; a Department of Housing and Community Development; and the Housing Finance Agency. What duties do these three organizations perform? Is it necessary for a city with under 1 million residents to have three separate housing agencies? Please report to me what savings and administrative efficiencies would result from combining the three housing agencies.

MAYOR BARRY:

2. We agree with the need to reevaluate programs on a regular basis, and to assess the effectiveness of programs and service delivery. The District Government was one of the first cities

in the country to combine all housing and community development functions into one city department. This occurred in 1975 at the same time that self government was granted to the city by Congressional act. By the beginning of 1988, DHCD had grown into an operation of well over 1,000 employees, a budget from all funding sources of $173 million, and responsibility for operation of more than 30 different programs. While this very large operating Department no doubt realized some operating efficiencies in overhead, it was also necessary to assess its operating effectiveness.

During 1987 the Mayor's Blue Ribbon Commission on Public Housing and an internal District Government Task Force studied needs of the District's public housing program in detail. The unanimous conclusion of the special assessment and study was that public and assisted housing needed full time, high level attention in order to solve the problems created by many years of neglect and deferred maintenance resulting from severe cuts in Federal funding. By creating a new Department, proper focus could be given to effective management of public housing and the efficient delivery of services. Cabinet status would also help improve the coordination for delivery of services by other city departments such as police, employment and human services. Our goal is not only to provide effective management of public housing, but to coordinate city services in a way that will break the cycle of poverty and tenancy in public housing passing down from generation to generation. Department status is, in our view, an important element in realizing this goal.

The separation of DPAH from DHCD did not create any overlapping functions. DHCD deals with providing housing and community development support to the District's neighborhoods and privately owned housing supply. DPAH deals only with management of public housing and the provision of tenant subsidies to other HUD assisted housing in the city. Finally, the DCHFA can be compared to the state housing finance agencies which exist across the nation. It operates with a small staff and is responsible for tax free bond financing to support both single family and apartment housing development in the city. Where such low cost financing is not sufficient, by itself, to finance low income housing, additional assistance may be provided from federal housing programs or assistance from DHCD.

Each agency has a distinct and separate function to perform in relation to housing production, subsidy of tenants and financing. For the reasons stated above, we believe the new separation of functions realized by the creation of DPAH deserves a fair test of time. Since the reorganization was only effective on December 15, 1987, and the transition from a single department to two departments is still in progress this year, it is clearly too early to evaluate the results. However, we agree with your emphasis on the need to continually monitor and evaluate, and assure you that this will occur in the future.

DISTRICT OF COLUMBIA TAXICAB COMMISSION

SENATOR REID:
1. Last year, the Chairman of this Subcommittee brought to your attention how poor taxi service is in the District. Since that time, you have conducted one highly publicized crackdown on the hackers. But there has been no structural reform of the taxi industry or the Taxicab Commission. What are you planning to do to improve taxicab service in the District? When are you going to do it?

MAYOR BARRY:
1. Over the course of the last year the Taxicab Commission has conducted several very successful enforcement initiatives, some of which were highly publicized, some of which were not. A number of initiatives have been conducted and are being conducted now in an undercover fashion and, when completed, will be publicized. I am positive that the results will please the members of this Subcommittee and the public. Due to the need for security in these matters total disclosure cannot be made at this time. The Commission has established good relationships with local law enforcement agencies including the Metropolitan Police Department, U.S. Park Police, U.S. Capitol Police, Washington Metropolitan Airport Authority Police, and police departments in Maryland and Virginia. Enforcement is an ongoing task and responsibility and has been a top priority and focus for the Commission.

As to the structural reform of the taxi industry the Taxicab Commission has over the last year undertaken the task of analyzing the voluminous records maintained manually by the District of Columbia. The Commission felt this necessary in order to paint the complete picture. The Commission, pursuant to this effort, has drafted an RFP that will computerize all existing and future data. The RFP will be issued and awarded this summer. The Commission has undertaken a total rewrite of 15 DCMR Chapters 8, 9, and 10, which not only regulates the taxi industry, but the entire passenger vehicle for hire industry. This effort will result in a restructuring of the overall vehicle for hire industry. It is expected that the rewrite will be published in the D.C. Register very shortly.

The Commission is also presently addressing all the concerns raised by this Subcommittee last year to include meters, regionalism, radio dispatch, single color scheme, vintage, inspection, and vehicle standards. All of these items will improve the overall vehicle for hire industry which we anticipate will be accomplished in FY 89.

SENATOR REID:
2. Last year I suggested you look into the successful taxicab system adopted by Las Vegas. A copy of the plan is still sitting in my office and no one from the Mayor's Office, the Council or the Taxicab Commission has asked to see it. This Subcommittee even offered to work with you to improve the Taxi service in this town. We haven't heard from you Mr. Mayor and I cannot help but think you are less than serious about improving cab service in the Nation's Capital, the seat of the federal government. Will you prove me wrong about this Mr. Mayor?

MAYOR BARRY:
2. Since its inception, the Taxicab Commission has received and reviewed numerous studies from many jurisdictions regarding taxicabs, one of which was Las Vegas. The Commission has been in contact with the Mayor's Office and its taxicab regulatory counterparts in Las Vegas. They have established a line of communication which is certain to provide an invaluable source of information for us.

The Commission is thankful for the support and offer of assistance from this Subcommittee and looks forward to working with you. It is my understanding that there has been some communication between the Subcommittee and the Taxicab Commission, and we will work to enhance that relationship.

Yes, the District of Columbia government, through the Taxicab Commission, is dedicated and has made a commitment to improving not only the cab service but the overall passenger vehicle for hire service in the District of Columbia. As mentioned, there are a number of efforts under progress which will improve the service.

Questions Submitted by Senator Nickles

LUMP SUM APPORTIONMENT

SENATOR NICKLES:
1. Please explain to the Committee the District's understanding of how the federal funds appropriated in this bill are to be apportioned to the city.

MAYOR BARRY:
1. As I understand the fiscal year 1988 appropriations language, the entire federal payment that is appropriated to the District's General Fund is to be paid to the District within 15 days of enactment of, in the case of the 1988 payment, the joint continuing resolution. The lump-sum appropriation for water and sewer services were to be paid in four equal quarterly installments, each on the first day of the beginning of the quarter. Although the appropriations language is silent with regard to the payment of the retirement contribution, the Retirement Reform Act of 1979 prohibits any apportionment and stipulates a lump-sum payment within 30 days after it is appropriated or the beginnning of the fiscal year, whichever is later. Both the 1988 appropriations language and the authorizing statute (P.L. 98-621) are silent about apportioning the Saint Elizabeths transition payment.

SENATOR NICKLES:
2. What has been the historical method of the transfer of these funds?

MAYOR BARRY:
2. In recent years the U.S. Treasury has transferred the federal payments to the District via wire directly to the District's bank account. The following table shows the pattern within recent fiscal years of transfers of the federal payment to the General Fund and the total unexpended authority at the time of the transfer:

Fiscal Year	Authorized Amount	Date of Payment	Payment
1984	386,000,000	10/17/83	386,000,000
1985	425,000,000	10/22/84	425,000,000
1986	425,000,000	10/22/85	425,000,000
1987	444,500,000	10/14/86	103,537,000
		11/21/86	7,588,000
		2/9/87	162,835,000
		4/1/87	85,270,000
		7/1/87	85,270,000
			444,500,000
1988	430,500,000	10/29/87	48,895,000*
		11/4/87	114,757,658*
		1/12/88	266,847,342
			430,500,000

*amount authorized by temporary continuing resolution

SENATOR NICKLES:
3. What is the city's position on why a lump sum payment is necessary? Do you expend all the Federal funds immediately or is that pot of money held for other expenses during the year?

MAYOR BARRY:
3. The District has had a long-standing agreement with the U.S. Treasury that debt service on long-term Treasury loans to the District to finance capital expenditures is not due until the lump-sum federal payment is received. The agreement is necessary to enable the District make the large payment without going into further debt to do so. As soon as the District receives the payment the District wires the debt service payment to the Treasury. To help manage its cash flows over at least the past seven years the District has counted on receiving the federal payment in a lump sum. Although the District has been very successful in reducing the accumulated deficit and improving its cash position over this period, its cash balances still suffer from the burden of the deficit. Since a large part of the deficit, hence the cash shortage, arose while the District was managed as a federal agency, it is reasonable to ask the federal government to assist in overcoming that inherent shortage by transferring the federal payment to the District in a lump sum at the beginning of the fiscal year.

I would like to point out further that abrupt changes in apportionment policy affects costs to the District beyond just the time value of money. Our credit rating agencies are ever concerned about the uncertainty of the District's relations with the federal government, such as the unpredictable amount and timing of the federal payment. Mindful of their concerns, when we first entered the municipal market, we had an agreement with the Administration that they would do nothing that would heighten those concerns. Changing the apportionment breaches that agreement. Not only does such a change jeopardize the District's credit rating but it also causes unnecessary crisis management. Issuing short-term notes for additional cash requires at least two months' work to obtain legislative approval of those notes and to complete the other mandatory paperwork. The District's cash balances could drop below the minimum cushion during that time.

WATER AND SEWER PAYMENT

SENATOR NICKLES:
1. I am aware that there has been some confusion over the water and sewer payment to the District in regard to how it has been and should be included in the request. I believe that the OMB was directed to include this payment in the President's budget. Technically, I believe it was included; however, as I understand it, it was not added into the total request.

Please tell the Committee what the city's opinion on this matter is and how it has been accounted for in previous budgets. It is my intention to attempt to get a similar opinion from OMB and hopefully come to an agreeable solution between the D.C. government and OMB.

MAYOR BARRY:
1. The District believes that both the Public Works Act of 1954, as amended, and the FY 1988 continuing joint resolution require the President to request a lump-sum appropriation as the federal reimbursement for water and sewer services based on the Mayor's estimate of that reimbursement. The Public Works Act of 1954, as amended, states that the Mayor is to estimate the value of the services and that Congress is to appropriate that sum to the District of Columbia. Therefore, the President's budget should include that sum in the request for the appropriation to the District. In my view, the Congress restated that requirement in the general provisions of the FY 1988 continuing resolution. For the President's annual budget to include the Mayor's estimate must mean that the President's budget request include the request for the lump-sum apprropriation.

As also occurred with regard to the FY 1988 water and sewer payment, despite the District's repeated objections and appeals, the President's FY 1989 budget does not include a request for a lump-sum appropriation for water and sewer services. While it is true that the President's FY 1989 budget document does display my estimate of the water and sewer reimbursement, it is merely that--a display and not a formal a request.

The District believes that a lump-sum appropriation for water and sewer services is warranted on both legal and practical grounds. The District is not authorized to bill federal establishments directly, or enforce collections from them; nor are federal establishments authorized to pay the District directly for those services. Direct billing and payment are not in the federal and District government's best interests. The District has no assurances that it could collect the funds owed to it on a timely basis. This is a matter of considerable concern since those funds are critical to maintaining District water and sewer services and to ensuring the financial integrity of the District's water and sewer utility. The District has neither the recourse to enforce revenue collection nor the desire to cut off water service to the federal establishments.

Applying such a sanction would harm both the District and the federal governments. Further, the intergovernmental disputes that direct billings would precipitate, especially in the case of service to multiple-agency buildings, would also not be in the best interest of our two governments.

FEDERAL PAYMENTS

SENATOR NICKLES:
1. The overall federal payment to the District of Columbia being requested for FY 1989 is slightly more than $500 million. If the water and sewer services payment is added to that amount, the total is about $541 million. How does this compare with the amounts provided in the two previous fiscal years?

MAYOR BARRY:
1. In FY 1987 the President's request for federal payments to the District of Columbia totalled $560 million, the amount approved by Congress. In FY 1988 the amount was $507 million; this amount did

not include $20 million that had been appropriated in FY 1987 in advance for FY 1988. The amount approved by Congress for FY 1988 was $550 million, which included $41 million for water and sewer service to federal agencies.

SENATOR NICKLES:
2. In preparing the budget request, what inflation factor does the D.C. government use? Is the inflation factor provided to the D.C. government by OMB in the preparation of the Federal payment amount? What about other portions of the D.C. budget?

MAYOR BARRY:
2. In making the initial request to OMB for federal funds, the District has occasionally used OMB's current assumptions about the state-local deflator in calculating the federal payment for the District's General Fund. This is the same inflator that OMB provides us to use in calculating the multiyear current services estimate of the federal payment. Given the low level of federal payments that OMB finally decides to request for the District, it is apparent that they do not use any inflator, but rather some arbitrary approach.

Our budgets have provided for price inflation of nondiscretionary items such as medical cost reimbursement under Medicaid and payments under Aid to Families with Dependent Children, which are indexed according to the Consumer Price Index. The budgets for rent are based on actual leases or forecasts of market prices for new space requirements, and communication and energy budgets are also based on expected price level changes. If pay agreements exist or are almost complete, the District's budgets for personal services expenditures include the scheduled pay adjustments. However, based on actual spending trends, some agency budgets have not included an allowance for inflation in the prices of most supplies and equipment and of various contractual services.

SENATOR NICKLES:
3. Does the Federal payment (overall) allow for real growth, is it level, or is it less than last year's plus inflation? What about the overall D.C. budget -- does it allow for real growth, is it level, or is it less than last year's plus inflation?

MAYOR BARRY:
3. Since FY 1985 the federal payment to the General Fund has increased 1.3 percent, from $425 million to $430.5 million in FY 1988. Howver, the authorized level of the fderal payment has remained at $425 million for FY 1985, FY 1986, and FY 1987. Since FY 1985, the state-local deflator has increased 13.4 percent and the local consumer price index has increased 10.3 percent. The General Fund appropriation increased 25.9 percent, indicating a real growth over the three-year period of 14.1 percent, using the state-local deflator.

CORRUPTION IN THE D.C. GOVERNMENT

SENATOR NICKLES

Over the past several years, there has been a litany of wrong-doings and convictions of employees of the DC government. Last year, the House-passed bill included bill language which stated that "Congress deplores the on-going corruption in the DC government"; the language did not survive the conference committee action.

I think it would be helpful to the Committee if you could highlight some of the actions being taken to insure that employees of the DC government understand that the leadership of the Mayor and the Council will not condone corruption.

MAYOR BARRY

Senator Nickles, thank you for your question and the opportunity this affords me to acquaint you, this Committee, the Senate and the American public with my stand on this issue, and my committment to root out and punish the minuscule corruption in the District of Columbia government.

In highlightling "some of the actions taken to insure that employees of the D.C. government understand that the leadership of the Mayor and the Council will not condone corruption" may I repeat for the record what I stated publicly about this issue and the remedial and corrective action I have taken as Mayor of this City.

"There is a perception among some in the public, and even among some government employees, that corruption is tolerated or, in the worst case, encouraged within the District Government. These people believe, mistakenly, that this administration is doing nothing to rectify this situation. To allow this public perception to prevail not only threatens the effectiveness of my administration but jeopardizes the future of Home Rule in the District of Columbia."

The integritv of the employees of this Government is an issue of grave importance at this time, not because of the deeds of many but because of the deeds of few. I have stated publicly before, and will restate now, that even if we are 99% pure, we have to strive to be 100%. Even one case of Government corruption and malfeasance in office is one too many.

Since I have been Mayor I have periodically called my Cabinet into "Advances" - meetings which are held away from the office, for one or two days at a time, during which we discuss the ways in which we can improve the administration of District Government affairs. At our Advance, on April 4th and 5th of 1986, I instructed the Cabinet to identify those issues which they felt were most critical to our Government at this time and to develop a comprehensive strategy to address each issue. During our discussions, the topic of ethics was consistently raised as an area of primary concern. For me, as for my Cabinet, the issue of ethics was and is critical.

As a result, I created an "Ethics Strike Force", staffed by several members of my Cabinet, to address this issue. The Strike Force was chaired by my Legal Counsel, Herbert O. Reid.

The Ethics Strike Force had the task of developing short-term and long-term methods to improve the ways in which this administration addresses the issue of ethics, generally, and procurement, specifically. After several meetings of the Strike Force and its sub-committees, a comprehensive report was submitted to me. That report presented several recommendations, all of which I have adopted. All of the recommendations have been implemented.

The Strike Force recommended that our first goal be to improve the quality of the information currently available about ethical requirements and standards of conduct. We have prepared and circulated a coherent, consistent body of information on ethics, both in regulations and in an employee handbook that everyone can understand. We undertook a comprehensive training program to communicate this information to all Government employees. To kick off this training initiative, the Strike Force recommended, and I agreed, that an "Ethics Training Advance", be conducted by experts in the field, for Department Heads and Agency Ethics Counselors in particular. Professional training in ethics was also conducted for all employees within each agency, since specific, relevant applications of ethical guidelines differ depending on the nature of an agency's programs and operations. Inaddition, all of our new employees receive ethics training as part of their orientation to working in the D.C. Government.

In examining the systems that we already have in place to address ethical questions and issues, the Strike Force reviewed the operation of our Ethics Counselor Program. They have recommended,

and I have agreed, that this program must be strengthened.

The Strike Force has also recommended to me that the public be kept informed of our progress in making programmatic changes in the area of ethics. They believe, as I do, that it is imperative that our citizens know and understand that this is not a corrupt government, and that we are serious in our efforts to assure that each employee performs his or her job with the utmost integrity. Not only will we keep the public informed but we also intend to involve them in our efforts. In order to draw upon the best thinking of those who live and work in our community, the Strike Force suggested that the District Government sponsor a public symposium in which experts from academic institutions, the Federal and District Governments, and the press could discuss ethical issues and their application in the workplace. Such meetings have been held because I agree wholeheartedly that the free flow of information between our citizens and this Government will serve to improve our performance and sensitivity in this area.

Finally, the Strike Force members focused on ethical conduct in the area of procurement. An overall goal identified by the Strike Force was to increase the quantity and quality of information about the contracting process in order to eliminate the current public perception of favoritism. As you know, the Procurement Practices Act of 1985 has revamped and simplified our contracting process. However, our system is still extremely complex. As a result, we are following a policy of "open contracts openly arrived at".

Even with our existing programs and all of our new initiatives in the area of ethics, the Strike Force has recognized that abuses can still occur. Ours is a government of over 40,000 full and part time employees who have the responsibility for carrying out state, county, and municipal functions. The majority of our employees are honest, but some of them just want to "beat the system." In those few cases of malfeasance in office, we have found these "bad apples" ourselves. We intend to continue to be vigilant and have already set up a Public Integrity Branch within the Metropolitan Police Department to receive and investigate complaints of governmental wrong-doing. We have also established a hot-line to receive confidential tips about improprieties and have directed the Inspector General to investigate every meritorious complaint.

We have publicized these efforts widely and will continue to do so. But the Strike Force recommended that we do more. Consequently, I have created the position of "Ethics Ombudsman" within the D.C. Government, and appointed a person of the highest integrity to that position. Our Ombudsman, retired District of Columbia Court of Appeals Judge Catherine B. Kelly, is a person whom employees may contact directly and confidentially to resolve ethical questions and issues, and is a person to report publicly on ethical matters involving our Government generally.

DRUG TRAFFICKING CONTROL

Senator Nickles:

1. Drug Trafficking Control

How many drug-related homicides have taken place this year in the District?

Mayor Barry:

As of June 7, 1988, there were 71 drug-related homicides in the District of Columbia.

Senator Nickles:

2. How does that compare with previous years?

Mayor Barry:

	1988	1987	1986	1985
Total Homicides	128	227	194	148
Drug Related	71	125	42	24

Senator Nickles:

3. Do you have similar statistics for the entire metropolitan Washington area?

Mayor Barry:

This information is being compiled and will be submitted at a later date.

Senator Nickles:

4. The total homicides so far this year in the District, what percentage are drug-related?

Mayor Barry:

56 percent of all homicides were drug-related so far this year in the District of Columbia.

Senator Nickles:

5. What is the policy of the Barry administration on drug-trafficking?

Mayor Barry:

The Barry Administration adamantly opposes the use and trafficking of drugs in the District of Columbia. It has mobilized the entire government in its efforts to combat illicit drugs. Its comprehensive plan involves the following elements: prevention, education, treatment and enforcement. There are short and long term objectives to reduce street-level availability of drugs as well as consumption. Greater emphasis is presently being placed on delivering drug prevention and educational services to elementary, junior high, and high school youth.

Senator Nickles:

6. What is being done to combat the flow and use of illegal drugs in the district?

Mayor Barry:

The District is coordinating its interdiction efforts with Federal authorities to prevent drugs from entering the District of Columbia. These efforts include joint enforcement activities with: DEA, FBI, U.S. Coast Guard, Alcohol Tobacco and Firearms, U.S. Custom Services, and other neighboring law enforcement agencies. They involve monitoring bus depots, train stations, airport terminals and interstate highways and waterways. Valuable information and intelligence on drug offenders is gathered and exchanged. These programs have produced high arrests levels and increase the risk of trafficking drug into the District of Columbia.

Senator Nickles:

7. Are there special programs geared to various groups--especially children?

Mayor Barry:

Yes, the department has numerous programs geared toward children that are designed to prevent their engagement in drug activities. These programs are:

Boys and Girl Club Athletic, Recreation, Social Cultural
Youth Awareness-Counseling and Positive Life Choices
Officer Friendly-Elementary School Activities
Youth Initiative-Counseling, and Referral

Senator Nickles:

8. Mr. Mayor, what is your position on the death sentence for drug-related killings?

Mayor Barry:

As you are aware I am totally opposed to the death sentence. I believe that persons involved in murder ought to be sentence for life in prison without parole or probation.

Senator Nickles:

9. Mr. Mayor, recently you were quoted along with the Mayor of Baltimore on the matter of legalization of drugs? As I understand it, you were supportive of a study to look at this matter. Could you tell us exactly what you have in mind? Also, do you believe that some illegal substances should be legalized because they are not harmful? What drugs should be looked at?

I think we would all like to hear your position on this subject.

Mayor Barry:

9. I have never called for the legalization of any drug or illegal substance. I am for a drug-free society. Zero tolerance. But when I put my personal preferences aside, I can see that we are losing the so-called war on drugs. Therefore, I think it's time to examine all of our choices, both pro and anti-legalization.

In a democratic society such as ours, I believe we should not be afraid to discuss and examine all sides of this controversial issue. I think our country is bright enough and stable enough to endure such a debate.

After a thorough investigation and discussion, we may decide that it's not worth the price we'd pay as a society if the government began to regulate or participate in the sale of controlled substances or what is now classified as illegal drugs.

There are those who maintain that the current public policies concerning the regulated sale and use of illicit drugs have been a failure without making a serious dent in the drug traffic.

Some believe that while the police and government forces have been brought down hard on drug users and street peddlers, major drug smugglers and major drug producers are largely untouched by government.

Some people argue that in the long run, it will take strong moral restraints to win the drug war and not police power.

At the same time, we need to examine what happened during prohibition. Did making liquor illegal really reduce the number of people drinking alcoholic beverages or did it just drive the users and sellers underground. Some statistics show that when alcohol became legal, there was an increase in the number of people who showed up at the nation's hospitals for treatment of alcohol-related illnesses.

Let me assure you that while I favor a debate of this issue, I am going to do all within my power to see that the drug pushers and dealers are arrested and the use of illegal drugs in Washington, D.C. is eliminated. My administration is also going to continue to expand treatment programs for drug addicts.

At this point, I have not received enough data to voice an opinion about which drugs should be legalized. However, from materials I have reviewed, I would vehemently oppose the legalization of PCP, a chemical drug that serves no purpose and evidence shows destroys brain cells.

In closing, let me again say that I have not called for the legalization of any drugs , but I do say let us now began a full debate and investigation of questions on both sides of this issue. This is an issue that is crucial to the survival of our nation.

D.C. PRISON

SENATOR NICKLES:

1. What is the status of the site selection for the new D.C. prison?

MAYOR BARRY:

1. The D.C. General Hospital site is the most viable at this time.

SENATOR NICKLES:
2. Based on your preliminary design and architecture work, what is your estimate on the total cost of the facility?

MAYOR BARRY:
2.

TOTAL ESTIMATED COST:

Basic Design/Building Contract	$49,817,000
Archeological & Ground Water Surveys	433,018
Equipment	6,000,000
Contingency (10% of basic contract)	5,000,000
Subtotal	$61,250,018
*Delay Claim (under review & evaluation)	6,967,548
Total	$68,217,566

*Exact amount will not be known until project is completed. The above figure reflects the contractor's proposed amount based on delays to date.

SENATOR NICKLES:
3. Do you expect to have to seek additional funding over the previously appropriated amounts?

MAYOR BARRY:
3. Formal decision by the District on this issue is pending.

EMPLOYMENT SECURITY COMMISSION BUILDING

SENATOR NICKLES
1. What is the status of the Employment Security Commission building on Pennsylvania Avenue?

MAYOR BARRY
1. The Employment Services (ES) Building at Sixth and Pennsylvania Avenue is the headquarters building for the D.C. Department of Employment Services (DOES). The building houses over 500 employees of DOES as well as the central data processing equipment for the Department consisting of two IBM mainframes which support all programs of the Department including processing unemployment insurance claims and taxes, job service programs, labor market information, the Job Bank, etc.

The status of the building's title remains unchanged from last year, as prescribed by Congressional Report language that prohibited the federal government or any other organization from taking action on the Employment Security Building until after December 31, 1988. As explained in further detail in response to question 5 below, title to the Employment Security Building should be conveyed to the District of Columbia.

SENATOR NICKLES
2. Has the District of Columbia government been forced to vacate the building?

MAYOR BARRY
2. No.

SENATOR NICKLES
3. Has the Federal government informed the city of a time-certain to vacate the building?

MAYOR BARRY
3. No.

SENATOR NICKLES
4. What is your understanding of the negotiations that have taken place between the D.C. government and OMB with regard to this building?

MAYOR BARRY
4. There have not been negotiations between the District Government and OMB with regard to this building.

SENATOR NICKLES
5. Please explain why the city believes that it is the Federal Government's responsibility to provide funding for a new building?

MAYOR BARRY
5. The City believes it is the federal government's responsibility to return the title for the Employment Services Building to the District of Columbia.

The building was constructed in the early 1960's to house both the District Unemployment Compensation Board and the U.S. Employment Service, D.C. (later the D.C. Department of Manpower). The land upon which the building was constructed was originally titled in the District of Columbia Municipal Corporation which transferred the land to the United States government in 1961, at no cost, for the express purpose of housing the two entities and providing their services to the District of Columbia and its residents for a minimum of ten years. The transfer of the title in 1961 was accomplished with the clear understanding of the parties that the Employment Security Building's title would be transferred back to the District in the future. This intent is demonstrated by the 1959 exchange of correspondence submitted to the Congress on May 10, 1988 in testimony before the House District of Columbia Appropriations Subcommittee. The building was constructed with a $4,408,559.52 loan from the Kansas City Life Insurance Co., secured by a promissory note. Payments on the note were originally made by the Secretary of Labor using funds that would otherwise have been provided to the District of Columbia's employment security agencies as is the case with other states. In 1973, the Department of Manpower and the District Unemployment Compensation Board assumed direct responsibility for the note, and DOES, as their successor, completed repayment of the note by mid 1984. Ultimately, the two District agencies and DOES paid in excess of $4 million from their grant funds towards retiring the total debt of $6,801,333 incurred to construct the Employment Services Building.

SENATOR NICKLES
6. How does the D.C. government differ from the other states with respect to employment security facilities?

MAYOR BARRY

6. The major difference is that almost all other states hold clear title to the employment security facilities built with federal grant funds during the 1950's and 1960's.

D.C. SCHOOL OF LAW

SENATOR NICKLES:

1. Please give the Committee a status report on the Antioch Law School with particular emphasis on funding involved in keeping the school open, and the future of the law school as it pertains to the University of the District of Columbia.

MAYOR BARRY:

1. Antioch School of Law has graduated its last class and is closing in the summer of 1988. The District of Columbia School of Law commenced operations in September of 1987. The FY 1987 operating budget for the new School of Law is $1.146 million; the FY 1987 capital budget is $1.854 million; the FY 1988 operating budget is $1,890 million. The FY 1988 capital budget is $500,000; The FY 1989 operating budget is $1.890 million. The legislative cap on the budget for the School of Law is $3 million for each of these first three years.

Antioch School of Law has donated its law library, valued at $1 million to the new School of Law.

As a new school, DCSL is required by the American Bar Association (ABA) rules to operate its academic program for one year prior to applying for provisional accreditation. The earliest date for the application, therefore, will be during the summer of 1989. Under ABA rules, students who graduate from a school which is granted provisional accreditation, at any time while they are enrolled, may sit for the bar examination.

In preparation for the application for provisional accreditation, DCSL has hired two consultants with years of experience in all aspects of compliance with ABA standards and procedures. The Law School has formed an ABA Accreditation Committee comprised of the chairpersons of the Curriculum, Academic Standards, Admissions, Library, Clinic and other committees at DCSL. The Accreditation Committee meets each week. Committee members have received copies of all materials necessary for the ABA application for accreditation. The individual committees are involved in the process of developing the proposals necessary for application. Extensive research has been conducted, including a review of the literature in each area. Copies of material such as curriculum designs, academic standards and admissions policies from numerous other schools have been studied.

It should also be noted that DCSL is not in the position of starting from scratch in the effort to secure accreditation. The statute which established DCSL (Public Law 6-177) required that DCSL build on the experience of

Antioch School of Law (ASL) as it relates to the curriculum, programs and clinics of the new School. The DCSL faculty has between them decades of experience with the ABA on matters relating to accreditation.

Assuming that sufficient public funds, in addition to tuition and grants, are available, DCSL expects to satisfy all ABA requirements for accreditation in a timely manner.

DCSL has been fortunate in FY 1988 to share space and related services with the Antioch School of Law in the Warder-Totten building on 16th Street, at a cost of $60,000 per year. Unfortunately, that building has been sold. DCSL, therefore, will lease temporary space of approximately 44,000 square feet until a permanent facility is made available. The need to lease space has resulted in unanticipated costs for building rent and related services for the School of Law of up to $450,000 in FY 1988.

The FY 1987 operating budget of $1.146 million for DCSL is "available until expended." A portion of these funds has been earmarked to cover building and related costs during the remainder of FY 1988. The remainder of the FY 1987 monies will be used for one-time library acquisitions, equipment and the like.

As noted in the DCSL testimony submitted to the Subcommittee on the District of Columbia of the Appropriations Committee of the House of Representatives, the FY 1989 operating budget for DCSL is $1.890 million. Once the lease for the new building is signed, and the exact costs are known, DCSL has indicated that supplemental funding will be requested.

DCSL has taken over all of the cases formerly handled by the Antioch School of Law. In keeping with the statutory mandate to represent the legal needs of low income residents of the District, DCSL has opened intake and is accepting new cases on behalf of children with special needs, battered women, the homeless, the elderly, families, bankrupts, those deprived of social security and other statutory entitlements, and the like.

DCSL is targeting a small, well-prepared class of students, half of whom will be District residents and half "out-of-state" residents. Tuition has been set at $2600 for "in-state" and $8500 for "out-of-state" students.

In keeping with the many provisions of DC Law 6-177, the Interim Board of Governors (IBG) of DCSL has published notice in the DC Register regarding its adoption of the following final rules:

Chapter 1, "Board of Governors,"
Chapter 5, "Admission, Tuition and Fees,"
Chapter 10, "General Personnel Policies,"

Chapter 11, "Compensation and Classification,"
Chapter 12, "Conditions of Employment,"
Chapter 13, "Leave and Benefits,"
Chapter 15, "Faculty Appointment and Service."

The IBG has also published notice of its intent to adopt Chapter 25, "Procurement."

DC Law 6-177 calls for DCSL to join the University of the District of Columbia (UDC) in February of 1990. DCSL officials have begun discussions with the UDC leadership regarding the future merger. University of District of Columbia President, Raphael Cortada, included the Law School in his plans for the development of the Mount Vernon Campus in testimony before Congressman Mervyn Dymally.

SENATOR NICKLES:
2.(a) What funding is included in your budget in support of Antioch Law or DC Law (the new name)?

MAYOR BARRY:
2.(a) The FY 1988 operating budget for the District of Columbia School of Law is $1.890 million and the capital budget is $500,000. The FY 1989 operating budget is $1.890 million.

SENATOR NICKLES:
2.(b) What part of the funding, if any, comes from Federal dollars appropriated to the District of Columbia?

MAYOR BARRY:
2.(b) The School of Law operating budget is funded by the District of Columbia general fund revenues which include the Federal Payment. The Federal Payment is a part of revenues and is not specifically earmarked for any program.

SENATOR NICKLES:
3. What future funding will be required to keep this school operational -- either as DC Law or as partof the University of the District of Columbia?

MAYOR BARRY:
3. DCSL estimates that $4-6 million (exclusive of building costs) in annual revenues, including tuition, will be required to operate the School of Law. As a brand-new agency of the District and as a new Law School, it is difficult to be precise. This figure is dependent on the number of students enrolled and hence, the personnel compliment needed, the number of legal cases handled by the School's legal clinics on behalf of low-income District residents, the compensation levels set by the District for career service employees, equipment and library costs which are currently being ascertained, and other ABA requirements which may arise. The figure is in keeping with the ABA estimates for the average operating budgets for law schools.

SENATOR NICKLES:
4.(a) Has a permanent site been found to house the school?

MAYOR BARRY:
4.(a) In a July 10, 1987 agreement signed by the Mayor and the Chairman of the City Council, the Mayor agreed to take the leadership in identifying and securing a permanent facility to house the School of Law. The Interim Board of Governors of the District of Columbia School of Law will work closely with the Mayor in this effort.

Several proposed permanent sites for DCSL are currently being explored with the help of the Board of Education, other District Officials and the private sector. In addition, President Rafael Cortada of the University of the District of Columbia, included the School of Law in the plans for the development of the proposed Mount Vernon Campus, in testimony before Congressman Mervyn Dymally.

SENATOR NICKLES:
4.(b) Where?

MAYOR BARRY:
4.(b) The permanent site for DCSL has not yet been selected.

SENATOR NICKLES:
4.(c) As I understand it, a permanent site must be established before DC Law can be accredited. Can you comment on this procedure?

MAYOR BARRY:
4.(c) Under American Bar Association (ABA) Rules, a new school must operate its academic program for one year prior to applying for provisional accreditation. Therefore, DCSL may not apply before summer of 1989 for provisional accreditation. At that time, the School of Law must have identified the permanent site and have secured a commitment for the building, but need not be physically in the building, for the accreditation process to proceed.

The Interim Board of Governors of the School of Law is working diligently within that time frame to secure the permanent facility and to meet all other ABA concerns.

OFFICIAL REPRESENTATION ACCOUNT

SENATOR NICKELS:
As you will recall, last year the Senate included an "Official Representation Account" in our legislation which would have required detailed accounting reports on those monies. However, during the conference committee action on the bill, it was agreed that the provision would be removed because the D.C. Council had enacted similar legislation.

Has any detailed accounting report been completed as yet on this account? If not, when will this be completed? Can you provide this information to the Committee when it is available?

MAYOR BARRY:
An independent audit, initiated by me, was performed on the funds relative to the Official Representation Fund Act of 1987 for the period August 8, 1986 through September 30, 1987. The audit covered only those funds (Ceremonial Funds and Discretionary Funds) under the control and authority of the Mayor. A copy of the audit report is attached.

The audit for Fiscal Year 1988 will not be performed until after September 30, 1988.

SUBCOMMITTEE RECESS

Senator HARKIN. The subcommittee will stand adjourned until tomorrow at 2 o'clock.

[Whereupon, at 4:36 p.m., Wednesday, May 25, the subcommittee was recessed, to reconvene at 2 p.m., Thursday, May 26.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1989

THURSDAY, MAY 26, 1988

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 2:08 p.m. in room S-128, the Capitol, Hon. Tom Harkin (chairman) presiding.

Present: Senator Harkin.

DISTRICT OF COLUMBIA

TAXICAB COMMISSION

STATEMENT OF ARRINGTON DIXON, CHAIRMAN

INTRODUCTION OF WITNESS

Senator HARKIN. The Subcommittee on the District of Columbia will come to order.

This afternoon the subcommittee continues its review of the District's fiscal year 1989 budget with testimony from representatives of the D.C. Taxicab Commission, the D.C. Courts, and the Board of Education.

We will begin briefly with the Honorable Arrington Dixon, chairman of the Taxicab Commission.

I know you are due to testify before the House subcommittee at 2:30, so I apologize for being a couple of minutes late here. Your statement will be made a part of the record, and please proceed.

Mr. DIXON. I have a statement for the record, and would be at this time open to discuss with you any concerns. As you know, we have been emphasizing over the last year enforcement as our major concern within the Commission. We have also been concerned with getting out as quickly as we could a study dealing with meters and with the data necessary for us to operate and make decisions within the Commission, issues that I know are currently concerns of yours and ours.

But if you would like me to yield now to your questions, it probably would save us all time—and we'd be glad to answer any questions you might have, sir.

PREPARED STATEMENT

Senator HARKIN. Thank you very much, Mr. Dixon. We'll put your statement in the record.

[The statement follows:]

STATEMENT OF ARRINGTON DIXON

Good afternoon. Chairman Harkin and members of the committee, I am Arrington L. Dixon, chairman of the District of Columbia Taxicab Commission. I would like to thank the committee and its chairman for this opportunity to present testimony on the fiscal year 1989 operating budget request for the District of Columbia Taxicab Commission.

The fiscal year 1989 appropriated request for the Commission is $1,945,000 and 32 positions. This includes $356,000 and 12 transfer positions from the Department of Public Works.

Less than a year ago, Mayor Barry and the Council of the District of Columbia established the District of Columbia Taxicab Commission. Our charge, as a new government agency, is to exercise exclusive regulatory authority over taxicabs and vehicles for hire within the District.

In the past, as many as 11 different local government agencies attempted to keep watch over this important industry. And as we all know too well, that disjointed and fragmented approach was a growing disaster. Today, by working within the structure of a central regulatory agency, the Commission has pursued an aggressive approach to bringing stability and growth to a vital public service.

As chairman, I have made stringent enforcement one of my top priorities. Thanks to our complement of hard working and dedicated civilian hack inspectors and administrative support staff, the interest of the public, aided by the cooperation of the Metropolitan Police Department and other local law enforcement agencies, many illegal or "faceless" drivers are no longer on the streets. This has created an appreciable amount of relief for the riding consumer and a financial incentive for many of our truly professional drivers to provide top quality service. I hope to see these positive changes continue.

The Commission is also looking at ways to improve taxi service in terms of newer, higher-grade vehicles, more radio dispatched cabs, tougher driver standards, and a fair rate of return for the many independent owner-operators who dominate the industry. While a driver's overhead has steadily risen in recent years in terms of fuel, maintenance, and insurance costs, the rate of return has not kept pace with their increasing capital investment. Vehicles, and many of our good drivers, simply wear out under the pressures of economic reality. Comparatively, the District's taxicab market is the cheapest and the poorest in the country. A fair rate or return, accompanied by market growth and stability, would certainly bring dramatic improvement over time.

Our new Commission is presently collecting data and examining ways to tackle the tough questions of broad-based reform. I am very optimistic about reversing the trend of erosion and making our local taxicab system excel as one of the finest in the nation.

Again, I would like to thank the committee and its chairperson for this opportunity to present testimony today. My staff and I are prepared to answer any questions the committee may have at this time.

CREATING AN INTEGRATED REGIONAL TAXI SYSTEM

Senator HARKIN. Last year we directed that the Taxicab Commission work with the Washington Metropolitan Area Transit Commission, the Board of Trade, the Metropolitan Washington Airport Authority, and other regional administrative and regulatory bodies, to create a truly integrated regional taxi system. The goal of this effort is to reduce consumer confusion by providing a system that offers a standard rate for travel throughout the region, regardless of the origin or destination of the trip.

Again, I'd like to know what's happened with that since then—it's been a year.

Mr. DIXON. Senator, we have with us today—we can make it a part of the record—a draft of the agreement that we have already begun to develop, and it is in its final stages of approval with the Council of Governments. So we have in fact started and are well on our way in trying to get an approval of our first effort in a regional agreement.

So that work has been done, and it will be ongoing.

We also are looking forward to a second phase of this effort that we think will have stronger enforcement for the region. But we do have a first phase—and it can be made part of the record now. That is being looked at by the Council of Governments, the Taxicab Commission, and the city.

Senator HARKIN. What are the prospects—and, again, for the record, I would like to point out that I also said that it is not the committee's intent that the entire burden for cooperation rests solely with the District's Taxi Commission, and requested the Commission report to this committee on its efforts to achieve regional cooperation, and the results of those efforts.

What I would like to know is if you are running into any difficulty in dealing with any of the other taxicab commissions, either in Virginia or in Maryland?

Mr. DIXON. No, we have not; we are getting cooperation. In fact, the Council of Governments has been very, very valuable in coordinating the effort, and at this point in time we are having a high degree of cooperation with all of the local regions, and moving forward I think effectively.

Senator HARKIN. Is there a desire on their parts to form some kind of regional taxicab?

Mr. DIXON. There is absolutely an interest in that. I think we all recognize that the metropolitan area is really one environment for our transportation needs and we need to coordinate them. They are anxious to do that.

Senator HARKIN. How soon could that happen?

Mr. DIXON. I think the first agreement should be finalized some time within the next few months, probably in September or the end of the year. A more permanent, or a more significant piece, I would expect would take a little longer.

But the first agreement I think will be done before the end of this year.

Senator HARKIN. Calendar year?

Mr. DIXON. This calendar year.

ITEMS TO BE INCLUDED IN FIRST REGIONAL AGREEMENT

Senator HARKIN. Mr. Dixon, what would be involved in that first agreement—standard rates, things like that? Are you talking about that initially or not?

Mr. DIXON. At this time the major concern is the ability of cabs to pick up in different jurisdictions and deliver in different jurisdictions. That is one of the major concerns for the industry at this time.

Senator HARKIN. Are there any problems with that? I've always sensed that it is a problem. It seems ridiculous that you can drop off here but you can't pick them up and bring them back. I've always wondered why that is.

Mr. DIXON. One of the problems, Senator, is to make sure that there is a balance in the market. As you might know, most of the other regional cab companies are interested in picking up passengers in the District because it represents the larger market. We also are interested in having access to the airports—and I say plurally: not only National, but maybe others.

That is going to be at some point I think part of the discussion. We will discuss exactly what will be the reciprocal nature of the pickup and drop.

But at this point we are able I think to fashion language that everyone can agree to. And I believe we will be able to address that problem also.

STATUS OF METERED TAXICABS

Senator HARKIN. Is there interest on your part and on the part of the other commissions to proceed toward metered cabs?

Mr. DIXON. There is some controversy around that, Senator?

Senator HARKIN. Why is that? Explain that, please.

Mr. DIXON. I think particularly many persons on the Commission who are closely affiliated with the older cab operations in the city have concerns that meters might not serve the best interests of some of the drivers, and maybe even the public. I have with me a rather informal survey that was done by my office surveying the drivers. The statistics indicate that there is at least a margin of support by the drivers for meters in the District of Columbia.

It is a rough study; it was one that we just did in our office. I think it has some scientific value. It appears as though about 62 percent of cabdrivers support meters within the District.

Senator HARKIN. By the drivers?

Mr. DIXON. Yes; by a sample of the drivers that we surveyed in this study. We also did break it down by owner-operated and rental cabs. It gives us some idea.

One thing I would like to do is to proceed at some point soon with maybe a broader public survey of where the public might be, because the decisionmakers in our government obviously are concerned about their constituents and what they feel the constituents might want. Based on our legislation, the Council has the last say on what we might recommend regarding meters.

Senator HARKIN. You are talking about not this government here—you are talking about the District Council.

Mr. DIXON. I'm talking about the Council of the District of Columbia.

So we want to make sure we not only do the kind of data collection and statistical work needed to justify a recommendation for or against meters, but we also want to make sure that we have some sense of the public sentiment in doing this.

So we are proceeding. I also have with me a confidential document that has not yet been sent to the public. But we have the first RFP, that is, the study that you have been asking for is done. It is in the Department of Administrative Services now; it has not been finally approved. So you cannot make it part of the record, because, as you know, it's a procurement issue.

Senator HARKIN. I understand.

Mr. DIXON. But the document is completed. We are ready to go forward with the collection of initial data to begin to determine whether the zone system or the meter system will work.

Senator HARKIN. Now, this is a request for proposal for what?

Mr. DIXON. For the collection of data that will guide us in making the decision about meters or zones and other decisions we need to make. So it's the first study that we need to do.

Senator HARKIN. I appreciate having that—I will keep it confidential. I guess the only thing I'd ask is why it took a year?

Mr. DIXON. Well, I will have to say that we really didn't get fully staffed until January. As you know, we were under a continuing resolution. We have been working on it as vigorously as we could. We also set up a committee within the Commission to do this. So I think that the staff and the work we've done has really been very timely. As you know, because of some sensitivities throughout the government and the country about procurement practices, we've had to be very careful about how we developed this.

We have done our work at the Commission and we are ready for it to be approved by the Department(of Administrative Services.

LENGTH OF TIME TO DO TAXICAB STUDY

Senator HARKIN. How long is this study going to take?

Mr. DIXON. I think that study could take probably a year to 2 years to finalize. It will be done in phases. Senator, we will start getting feedback and results I think probably within a year.

Senator HARKIN. Wait a minute, whoa, back up—a year? How many taxicabs are we talking about?

Mr. DIXON. Well, the problem, sir, is that we have to collect data about cabdrivers including their travel, their manifest, and whether they are radio-operated, or not radio-operated. We've got to be able to digest that data and enter it into a computer so we will have an ongoing capability in order to do a study and review of our rates every 2 years, as required by law.

So this proposal is designed to gather that data and to set up the systems to continue that process.

So it will take at least a year to 2 years, to do it.

I would also point out that an earlier study that was done 7 years ago took 5 years to finalize. We are, I think, cutting the process very short with this work that we are doing now. It will take probably a year or 2 years to finalize the work on the proposal.

Senator HARKIN. What study took 5 years?

Mr. DIXON. Well, there was a study done by the city about 7 years ago—the Jack Martin study. That took approximately 5 years to finalize.

Senator HARKIN. I'm going to take a look at this.

Mr. DIXON. There's one other concern that we also had to factor in, and that is the concern for seasonal differences in travel. We almost have to have a year to be able to measure from manifests the ridership of the cabs during the summer, during the winter, at Christmastime, when Congress is in session, and when other events take place.

So it really will take at least a year, though I again say that within the year I think we will be getting some results.

But I don't want to overstate how quickly we can finalize the work of this particular effort.

PURPOSE OF STUDY

Senator HARKIN. What are you trying to find out with this study, what are you trying to determine?

Mr. DIXON. The first thing we are trying to do is to develop the necessary data that we will need. That's one of the major parts of the study, to set up the computer systems and the data base to do the work. That will then lead us into another phase of the study which will give us some suggestions about whether we should use zones or meters, and what the rate structure should really be for the city.

OTHER JURISDICTIONS USING ZONE SYSTEM

Senator HARKIN. Are there any other cities in the United States that use the zone structure?

Mr. DIXON. There are I think two others that I know of. In fact we got a call from the west coast about 2 months ago: They are thinking about going from meters back to zones because of some problems they are having. So there are other jurisdictions that use zones, yes, sir.

USE OF ZONES VERSUS METERS

Senator HARKIN. Again, perhaps there are some things in this I don't understand, and I am willing to admit right up front that there probably are. But it just seems to me that a meter is a meter; that way you get paid for a tenth of a mile you travel, or something like that, and it's accurate, as long as it's based upon marketplace demand for cabs, it's not exorbitant. I would think that would be the best way of doing it rather than zones.

Mr. DIXON. What you say, Senator, has obviously great merit. I have surfaced the discussion with the Commission. The Commission which, as you know, is an appointed body from the community, representing a lot of different political views. There was a strong concern expressed

that there be data gathered that they could use to help them finalize their decision on the use of meters versus zones.

The kind of agency I am operating is one where I have to go back to that forum to get their support for these kinds of actions. And I think they know what we want, but they need to be given data to support their decision.

OTHER REQUIREMENTS OF TAXICAB STUDY

Senator HARKIN. Since you've been here I've focused on two aspects—the regional aspect and, second, the meter versus zone.

There is another part, however, of last year's report which I don't know that it takes a year or any studies to do—and I will read it for you:

> The committee expects that the new commission will address issues including the frequency of taxicab inspection, age of vehicles used as cabs, condition of heating and air-conditioning systems, and the cleanliness of vehicles. With regard to the last item, the commission should consider a plan that would require taxicabs to be washed and vacuumed every few days. A system of fees or a portion of the fare rate could be used to offset these expenses.

We also talk about using a uniform color code, as is used in other cities, so you could identify a cab. There must be every color in the rainbow out there of taxicabs that are driving around.

But those are things that you don't really need a study for, do you?

Mr. DIXON. Well, we don't need a study, but we need the support of the Commission, to do it. In July 1987 a recommendation was brought forward to the Commission, by one of its panels, to adopt a vintage requirement which would put a date on the cabs so there would not be older vehicles entering the fleet. There was some strong resistance to that by the panel at that point in time, and, again, a request for data and more information was made.

Senator HARKIN. So age of vehicles you can't do anything about until the study is——

Mr. DIXON. Well, I'm not saying that. I believe there has been some significant softening by a number of members of that panel and the Commission to support a vintage requirement now maybe without the kind of data that they first asked for. That has taken some work with the Commission to get that point across.

About to be finalized next month are our regulations, DCMR–15, which are the regulations that control cabs in the District. It will contain new standards; it will contain requirements for many of the things that you mentioned, like a requirement for radios in many of the cabs. We will be looking at color schemes and other items.

Senator HARKIN. When is that coming out?

Mr. DIXON. I would say we are a month and a half away from getting final action. So we expect that certainly within the next month or two we should have some finalization of that item.

STEPPED-UP ENFORCEMENT OF TAXICABS

I would also mention that our enforcement has been stepped up significantly. Our plan now is to try to inspect cabs on the street, stopping vehicles, at least each cab twice a month. At least that will be a number of things we are trying to do. That will help us a lot, because that in itself is like an inspection at the station: We look at everything from the cleanliness of the vehicle to the mechanical operation of the car as well as the credentials of the driver.

So that's where we find our strongest effort will be felt in that regard.

Senator HARKIN. A month and a half. I'd like to see that. That will have things like cleanliness and——

Mr. DIXON. All those items are going to be reviewed, and we are hopeful for some very significant strengthening of those regulations at that time.

KNOWLEDGE OF THE CITY BY TAXI DRIVERS

Senator HARKIN. The only other thing—and perhaps again this is something that is going to be addressed in this study—but in terms of the qualifications of the drivers themselves in understanding the city, in being able to communicate with passengers. I had an experience last Saturday night where I got in, and I finally had to spell out where I wanted to go. I am sure if I had said "Capitol Hilton Hotel" or "18th and Connecticut," I'm sure that that would have been fine—but where I was going happened not to be in those places, and he had never heard of it. Fortunately, I've lived in the District, so I basically knew where I was going anyway and I could just tell him where to go. But for someone else it would be pretty tough.

And I am just wondering, what do you do with these drivers?

Mr. DIXON. One thing we are doing, Senator, is revamping the education program. We believe that one of the most important things to do is to enhance the professionalism of the drivers. I have with me a copy of the new manual that is being developed. It's in its developmental stage, but it's a new manual which focuses a lot of attention in the areas you mention. We also have changed the examination so it now focuses on knowledge of the city, ability to do the things that we have all been concerned about.

I would also mention that the Commission has asked the University of the District of Columbia to develop a screening test to see whether communications skills are present in the drivers who are applying to take the course at the University of the District of Columbia. If they do not have the verbal communications skills, it is our hope that through the screening process, they would be directed to getting the proper help so they would be able to speak and communicate well before they even become a driver in the city.

Senator HARKIN. Understand I am not insisting that they speak the Queen's English perfectly—that's not what I'm saying. But just being able to communicate in terms of streets is essential. Obviously I have been in cabs in New York where I am not certain that I could converse very well—and they were supposedly speaking English.

Mr. DIXON. I would say that I think that we have problems here, but when you look at other jurisdictions there are also problems. We are looking at ours, and we want to make the taxi industry the best in the country, and that's what we intend to do.

HELP FROM THE COMMITTEE

Senator HARKIN. I'm glad to hear you say that, because it's an important part of the city and it's an important part of the Nation's Capital. And as I've said before, I think this again is someplace where I would like to be personally helpful and the subcommittee would like to be helpful in any way that we can, if we know how to be helpful.

Mr. DIXON. Senator, I would like to indicate that we know you have expressed an interest, and we are knowledgeable that you want to help. We'd like to develop and use that. Your staff has been very, very open with us, and we'd like to continue that.

We are as eager and as anxious to move as fast and quickly as you want us to. Again, I say I am working not only with the agency, small as it is, but I am also working with groups of the commissioners to get their input into the process.

Senator HARKIN. I would think it would be a sense of pride for the city, for the District, for all of us, if people really said: Gosh, that taxicab system in Washington, that's the best in the world.

Mr. DIXON. No question about it.

Senator HARKIN. And people look forward to it.

Mr. DIXON. In some ways it's one of our only industries in the District of Columbia. It is an industry where folks can get in it with a little amount of money.

Senator HARKIN. Exactly.

Mr. DIXON. They can do a great job for us and for themselves. We understand that, and we feel very strongly about it—very strongly about it.

Senator HARKIN. Glad to hear you say that. I know it takes time. That's why I haven't contacted you personally since we issued the committee report last year—we've let it go. But I think a year is enough. And you've indicated that we are starting to move on that, and I'm really glad to see that.

SEPARATE ENTITY TO HEAR APPEALS

The only other thing I wanted to bring up—I know you are late, and I apologize. One of the problems that the Commission might have, in my opinion, is that they are not only supposed to set policy and standards, but you also have to hear appeals of citations and administrative actions.

Would it be better for the Commission to set policy and to have some other entity, like an administrative law judge or something like that, to hear appeals? The Council obviously would have to do this, but the Commission could request it.

I just throw that out—think about it, separating those two out, where you would set policy, enforce, do all these things—but then have another entity that would hear appeals and things like that.

Mr. DIXON. I think it's an interesting concept, Senator.

Senator HARKIN. Would you just consider it and let me know how you might go about that later. I just didn't want to throw a curve ball at you right here on this.

You told me about the regional, what's happening there. Proposed reciprocity agreement for taxicab services that was proposed by the Council of Governments—you've covered that.

Regional taxicab data base?

Mr. DIXON. That is part of the RFP that I mentioned, and that will give us the information to decide on the things that we need so badly.

Senator HARKIN. I think that does it. I appreciate your being here today, and I know you are going to be committed to this. Please keep us informed, and, like I said, if there is some way that we can be helpful on it, we would like to be helpful, too. I don't know what that is, but there might be some ways. If there is upgrading of fleet, or if there are different things we might be involved in, whatever it might be, let us know.

Mr. DIXON. I will do that, sir.

Senator HARKIN. All right, thank you.

Mr. DIXON. Thank you for your interest.

Senator HARKIN. There will be a brief recess before our next witness.

[A brief recess was taken.]

COURT SYSTEM

STATEMENTS OF:

HON. WILLIAM C. PRYOR, CHIEF JUDGE, COURT OF APPEALS
HON. FRED B. UGAST, CHIEF JUDGE, SUPERIOR COURT
LARRY POLANSKY, EXECUTIVE OFFICER OF THE COURT SYSTEM

INTRODUCTION OF WITNESSES

Senator HARKIN. The subcommittee will resume its sitting. We are pleased to welcome as our next witnesses the Honorable William Pryor, chief judge of the Court of Appeals; the Honorable Fred Ugast, chief judge of the Superior Court; and Mr. Larry Polansky, executive officer of the D.C. Courts. We are pleased to have you here today.

Judge Pryor, I'd like to begin with your statement, followed by Judge Ugast and then Mr. Polansky. And after you do that we will have some questions.

Again, your statements will be made a part of the record. If you would like to summarize them briefly, I'd be most appreciative. And it's good to see you again, and welcome back.

OPENING STATEMENT OF JUDGE PRYOR

Judge PRYOR. Yes, sir; it's been a year.

Senator HARKIN. It has been a year—same faces a year later.

Judge PRYOR. As you say, you have my statement, and beyond that I don't think there is much to be gained by reiterating it.

The money part of it is modest; it simply is an effort to do the best we can at the court.

In terms of the substance of what we are doing and the major challenges, it is one of caseload and trying to manage it, and an increasing backlog of cases. That has been the focus of our attention.

And I would close out what I would say now by simply pointing out, as you probably well know, that a subcommittee in the House has been holding hearings on the subject of caseload as well. The Chair of that committee is Congressman Dymally.

I, at the appropriate time, would be glad to try to answer any questions that you may have.

PREPARED STATEMENT

Senator HARKIN. Fine. Your statement will be made part of the record.

[The statement follows:]

STATEMENT OF WILLIAM C. PRYOR

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, it is my privilege to speak to you today regarding the budget of the District of Columbia Court of Appeals.

The Court of Appeals is requesting an appropriated budget of $4,398,000 for fiscal year 1989, representing an increase of $364,000 and no positions over the fiscal year 1988 budget of $4,036,000.

The last several years have seen a continual rise in our caseload and, as might be expected, difficulty in managing the caseload. Modern management methods must continually be introduced in order to attempt to "stay even" with the increases. We have been innovative and our innovations have proved quite successful. For example, in 1987 the Court disposed of more cases than were filed. Unfortunately, the increasing complexity of the cases the Court receives, the rise in waiting time for transcripts to be prepared by court reporters, and the strains on the appellate staffs of the major institutional litigants—the United States Attorney, the Corporation Counsel, and the Public Defender Service—have caused another increase in the time it takes to complete a case on appeal.

We are requesting: $121,000 for mandated judicial salary increases, $15,000 to annualize salary for two desperately needed positions; $243,000 for nonjudicial salary-related increases; and $5,000 to cover only partially the increased cost of printing the Court's opinions; off-set by a $22,000 nonrecurring 1988 budget item.

In our very modest 1989 budget request we have seriously considered the fiscal constraints of the District of Columbia and have asked for only those funds which we absolutely require to address the substantial workload of the present and to begin preparation for the anticipated additional increases of fiscal years 1988 and 1989.

On behalf of the Court of Appeals, I request that this subcommittee give favorable consideration to this modest and realistic request for fiscal year 1989.

OPENING STATEMENT OF JUDGE UGAST

Senator HARKIN. Judge Ugast, good to see you again.

Judge UGAST. Thank you, Senator. I'm pleased to be here and present our request for the fiscal year 1989 budget. We are requesting $59 million for the year. This represents an increase of $5.4 million and 36 new positions. Eighty-three percent of this, or $4.5 million, represents such items as mandatory pay increases, within-grades, and the pay raises for the judges, things that are required by statute. The rest is for new positions and the equipment associated with them.

Let me just say at the outset, Senator, that when we were reviewing our budget needs and our position needs for the entire court, we came up with a request for 67 new positions, which we felt was what we critically needed across the court—that's for all divisions of the entire court, in light of our increased workload and the new judges that we were provided in the last few years. After a request from the Mayor to consider it further, and the budget restraints, we went back again and finally requested 36 new positions instead of 67—and the Mayor originally supported that request. The Council nevertheless reduced our request by $2,391,000, and denied all 36 new positions.

I've covered in our prepared statement the bases for the new positions and the reasons we felt they were both critically needed and justified as a minimum request.

CRIMINAL AND JUVENILE CASELOAD

I think it might help briefly, and to keep this short, if we just showed you graphically a little bit about the caseload in the criminal area and the juvenile area.

This screen projection shows the felony caseload between 1972 and 1987. You will see that the indictments increased 2,000, Senator—2,000 over the previous year, 9,755.

Senator HARKIN. Let's look at 1985, is that 6,100?

Judge UGAST. 6,100.

Senator HARKIN. So it's gone up by 30 percent in 2 years.

Mr. POLANSKY. Actually that's 50 percent over what it was in 1985.

Senator HARKIN. I'm sorry, it is 50 percent—let me get my math right here—it's a 50-percent increase over what it was.

How about your positions in terms of the number of judges and people like that? Has that gone up by 50 percent?

Judge UGAST. We received seven judges in 1984; we have had no other increases since the establishment of the court in 1970. If you look at 1984, that's when we got the seven new judges.

Senator HARKIN. You got seven new judges in 1984 and nothing since then.

How many total judges are there?

Judge UGAST. Fifty-one authorized, 13 senior judges that are retired and certified to sit, and 14 hearing commissioners.

Mr. POLANSKY. If I could add to that, the original study for the court, in the early 1970's, indicated a need for 51 judges then. The seven that were received in 1984 represented just matching the need of the original court. We really have not had anything to address the current trend.

Judge UGAST. That next graph shows that 61.3 percent of those 9,700 indictments involve drug charges. Those are charges that are clearly drugs, as opposed to other charges that may very well be drug-related.

Senator HARKIN. Senator Reid was very interested in this the other day when he asked some questions about it, so he will be interested in seeing this. Sixty-one percent of the indictments are drug—felony drug cases.

Judge UGAST. Felony drugs, that's right.

What's the next chart, Larry?

Mr. POLANSKY. This one is an indication of the number of persons arrested who are showing positive for drugs.

Judge UGAST. That shows the period April 1987 through March 1988, and the overall testing—this is the adults arrested and going through our central cellblock every day for initial hearing. And the figures are testing positive around 75 percent—this is up through March; I think it was around 75 percent testing positive, about 65 percent testing positive for cocaine, and what has been dropping is the percentage of testing positive for PCP, about 36 percent. That's been the change.

When we started doing our testing in 1984, it was PCP in the lead and cocaine a smaller percentage; now we have seen a complete change, with "crack" being an additional aspect of the cocaine.

DRUG TESTING OF ADULT ARRESTEES

Senator HARKIN. Now, that graph again tells me—Drug Testing Among Adult Arrestees—those are people arrested for any reason?

Judge UGAST. Any reason.

Senator HARKIN. Any reason. You test them for drugs.

Judge UGAST. And they proceed through the central cellblock. If they made bond on the street, they would not be tested unless the judge asked for it at the initial hearing on the basis of some other information.

Senator HARKIN. That's remained pretty stable, that top line—any drug, tested positive, around 70 percent.

Judge UGAST. Recently. It's gone up in the past year—gone up just a little. What does it show?

Mr. POLANSKY. I guess we don't have that chart. If we were to amend this chart to reflect several years back, it would show lower than 70 percent; it would be 40 or 50 percent 4 or 5 years ago. It has gone up.

Judge UGAST. Testing positive has been right in that 65- to 70-percent range, in the last couple of years. The difference is that drug use, or the drug of preference, if you say it that way, has changed.

NUMBER OF MISDEMEANOR CASES

Now, the misdemeanor chart shows basically—it's pretty flat—a substantial percentage, but, as you see, it's pretty much the same, there hasn't been much of a change in the percentage of the misdemeanors with drug charges. What that really indicates is that the resources of the police department and law enforcement, and the cases they are bringing to us, basically are distribution cases as opposed to the simple possession, which are taking a lot of the police resources. Obviously a matter of concern—and I'm sure Chief Turner has reported on that, or will.

But the enforcement efforts have been made and directed toward the felony distribution cases distribution on the street—as opposed to the misdemeanor cases. So that our figures, on the misdemeanors are "flat" in terms of the percentages remaining the same.

Senator HARKIN. I see.

INCREASE IN JUVENILE CASES

Mr. POLANSKY. The next thing I have is juvenile petitions.

Judge UGAST. The juvenile testing—well, those are the number of juvenile petitions filed, up about I think 8 percent, if my arithmetic is right. But we are finding a substantial increase in the number of drug-related cases and drug charges amongst the juveniles, including distribution charges.

Now, this chart reflects the drug testing, which have been showing above 34 percent positive for the juveniles. And there again the "preference" change. The change in drug preference had been slower in juvenile usage; it had been PCP all along, until very recently, where now cocaine is about 22 percent, and I believe PCP 18 percent. PCP usage has dropped; PCP usually being related with use of marijuana.

These all affect many things, both incarceration, and pretrial release, and, in juveniles, the detention of juveniles, where heretofore that might not have been necessary. All of that has been affected by it.

Mr. POLANSKY. That chart reflects just a comparison of cocaine and PCP usage, and how that has changed over a 2-year period.

IMPACT OF OPERATION CLEAN SWEEP

Judge UGAST. You can see the shift is rather dramatic.

Well, that's just a feel, you know, of what we are dealing with, and, as I say, drugs are driving the system, whether it be the police, corrections, the court. We are sitting there in the middle. Operation Clean Sweep which I am sure you are familiar with has put a terrible strain on all facets of law enforcement and the justice system in the District of Columbia. We used to average 65 and 70 lockups a day; we had 130 lockups last Monday. During the period when Clean Sweep is operating our commissioners are sitting until 7 and 8 o'clock at night to complete the initial presentments that come through. When I checked today, there were 94, I believe at 1 o'clock—that means today's number is going to be over 100. The last analysis I had showed we were averaging right at 98 to 100 per day with some days going up to 160.

And that, of course, is just 1 day's operation. What that affects are: all the trial calendars; the probation department; our social services division. All facets of the system are affected by it.

NUMBER OF PERSONS INDICTED AND SUBSEQUENTLY CONVICTED

Senator HARKIN. Judge Ugast, Senator Reid raised the question yesterday of those who are indicted, how many were convicted. I don't know if we have anything on that, but I just noticed that felony indictments are up 26 percent last year over the previous year. And, as you pointed out, that was about 26 percent the year before—so a 50-percent increase over the last 2 years just in the number of indictments.

Judge UGAST. On page 57 of our annual report, I believe that shows you the manner of dispositions—let's see if it shows the convictions. Does it?

Mr. POLANSKY. It shows 6,800 guilty pleas.

Judge UGAST. 6,800 pled, and there were 654 jury trials and 17 court trials. We can't tell from this, I don't believe, whether those trials resulted in convictions or not, Senator, but there were a very substantial number of pleas—6,800.

Senator HARKIN. But we still don't know.

Mr. POLANSKY. We'll give you the complete figures, if you wish, for the record.

Judge UGAST. We will get a breakdown on that—for the chart and the report do not answer the question fully.

Mr. POLANSKY. We will provide a breakdown of those that went to trial, showing how many were convicted and how many were acquitted. But, actually the pleas show that 6,800 out of 9,700, or approximately two-thirds were "convicted" by plea.

Then of the others, at least half of those who went to trial—I'd say more than half—were convicted.

Judge UGAST. Not all of those were jury trials, of course, not drug cases either, but a substantial number of them are.

Senator HARKIN. But two-thirds of them pled.

Judge UGAST. Yes; of all our felonies.

Senator HARKIN. That's right, I understand that.

[The information follows:]

CRIMINAL DISPOSITIONS, 1987

	Felony	Misdemeanor
Convictions:		
Jury trial	465	269
Nonjury trial	6	203
Guilty pleas	6,862	5,994
Total convictions	7,333	6,466
Acquittals:		
Jury tiral	189	273
Nonjury trial	11	94
Dismissals prior to trial	16	8,624
Dismissals in court	1,778	1,874
Total acquittals	1,994	10,865
Diverted		846
Total final dismissals	9,327	18,177

Judge UGAST. This has been just to give you a look at a piece of the operation, in terms of the impact of drugs on both juvenile, which affects the family division, as well as the criminal division—not considering what we have to do in the civil side as well as other facets of the family division, including domestic relations and that type of responsibility.

In short, Senator, we feel that our needs are pretty clear as part of the entire criminal justice system, bearing in mind the constraints that we have in this city from a budget standpoint.

FISCAL YEAR 1988 SUPPLEMENTAL BUDGET

I might just say that the Council removed from its supplemental budget request all the personnel funds requested to fund the 1988 salary increases for staff that was in our supplemental—this was $1,197,000. And while we can absorb some of that in terms of the raise, it's very difficult for us to absorb the entire amount.

I guess I'd just close by saying that although we recognize that all parts of our government must participate in absorbing and addressing the budget limitation, it seems to us that a disproportionate share of the reductions were borne by the court when compared to other units of public safety, as well as to the District budget as a whole.

I'll be happy to answer any questions that you have, Senator.

PREPARED STATEMENT

Senator HARKIN. Thank you, Judge. We have your complete statement.

[The statement follows:]

STATEMENT OF FRED B. UGAST

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, it is a privilege to appear before you today to speak on behalf of the budget request of the Superior Court for Fiscal Year 1989.

The Superior Court is requesting a total operating budget of $55,071,000 which reflects a net increase of $5,437,000 and thirty-six (36) positions over the 1988 budget. The District of Columbia has recommended that the Court's request, which was supported by the Mayor but later overridden by the Council of the District of Columbia, be reduced by $2,391,000 and has not recommended a single one of the thirty-six (36) positions I feel are absolutely essential if the Court is to continue to effectively carry out its mission.

The Superior Court continues to operate with an overburdened work force. There is no need to tell you that our criminal caseloads continue to increase or that initiatives such as "Operation Clean Sweep" as well as the very necessary expedited child support enforcement program have added many duties, responsibilities and great pressure upon the Court operation.

If the District's recommendation, requiring the Court to absorb $1,515,000 of the $3,062,000 cost identified with the pay adjustments to take effect in fiscal years 1988 and 1989 is sustained, the Superior Court would be required to reduce its on-board strength by approximately fifty (50) positions in addition to the thirty-four (34) positions that are normally in the termination/recruitment/hiring cycle and, therefore, vacant. As you can see, this would result in having to maintain an intolerable rate of eighty-four (84) vacancies for the entire year.

Finally, the thirty-six (36) positions that the Court requested in order to be able to handle the continually expanding workload, especially in the Criminal, Civil and Social Services Divisions are critically needed. Criminal and Civil caseloads are at an all time high. Over the past several

years many new programs have been initiated without adequate staffing or funding. To deny these positions would necessitate the elimination or cut back of many of these initiatives as well as basic Court programs. I believe that more than sixty (60) new positions are needed and, indeed, submitted an initial request for sixty-seven (67) additional staff. That request was reduced to its present bare minimum level only after lengthy discussion with the Mayor and the Budget Office regarding the fiscal problems faced by the District for FY 1989.

Another item which I would like to bring to your attention concerns the fiscal year 1988 Supplemental. Late action by the Council removed all personnel funds which had been provided by the Mayor to fund FY 1988 salary increases. This amounts to $1,197,000, which the Superior Court would have to absorb in an already limited FY 1988 budget.

Of the $5,437,000 being requested in our fiscal year 1989 budget, over 83.5% or $4,541,000 is for mandatory pay increases such as the fiscal year 1988 and 1989 pay raises, within grades, annualization of positions approved in fiscal year 1988 and pay increases for the judges. The remaining $896,000 is for salaries, equipment and other costs associated with the thirty-six (36) positions so desperately needed.

The details of our requests are as follows:

Mandatory Personal Service Increases For Existing Staff.

Increase for FY 1988 and 1989 pay adjustments: +$3,062,000. In order to provide for non-judicial pay increases anticipated to be effective in fiscal years 1988 and 1989, $3,062,000 is requested.

Increase for within grades: +$670,000. This within grade funding request is necessary to cover within grade advancements which are required by law to be given to all eligible employees.

Increase for annualization of new employees authorized in FY 1988: +$299,000. Sixty four additional positions approved in FY 1988 were funded for nine months. $299,000 is required to provide these positions with full year funding.

Increase for statutory judicial pay change: +$430,000. Public Law 99-190 increased the annual salary of judges of the District of Columbia Courts. The timing of this law revision did not permit us to provide for this statutorily mandated cost in our fiscal year 1988 budget request and, therefore, the increase is not in the budget base.

Increase for Senior Judges' pay differential: +$80,000. Since the compensation paid to retired judges performing judicial duties is based on the annual salary of an active judge, the increase in judicial salaries noted above will result in additional cost for the services of retired judges in the amount of $80,000.

Personal Services Increases and Other Related Costs - Staff.

Civil Division

a. Two CS-6 Control Clerks (Small Claims and Landlord and Tenant Branches): +$32,000.

The increase in Small Claims jurisdiction from $750 to $2,000 has caused a dramatic 42% increase in new case filings from 1984 to 1986. In addition, case activity has grown at a greater pace than case filings. There are more papers to file, more Docket entries to make, more notices to send, more telephone calls to respond to, per case, than ever before. The staff in the Small Claims Branch is not able to handle the increased workload.

In 1986 there were 85,139 new Landlord and Tenant cases filed. This represents an average of 339.1 cases filed each work day during the year. These cases generate an extraordinary workload for the Landlord and Tenant staff. This includes preparing the cases and recording information in the

docket and in scheduling an average of 500 matters on the calendar each day. Because of the large volume of information which must be entered in the docket before cases are released for the daily calendar (for the courtroom), frequently, cases have to be continued or delayed because they are not ready.

The Court is addressing workload growth in both these areas with the development of automated systems designed to increase efficiency and productivity. However, as a part of this development, and in response to the significant case volume in both branches, an additional Control Clerk for each area must be funded. These positions will assist in providing initial clerical and office support immediately and be available to assist in the transfer to new automated systems and procedures.

b. Two CS-4 File Clerks (Landlord and Tenant Branch): +$26,000. The Landlord and Tenant file room has over 500,000 case files, 1,200 docket books and all yearly indexes. Daily, over 500 cases and hundreds of papers must be filed away. However, the Branch does not have a single full time file clerk position.

The public is given access to the file room when they need to review their cases because the office does not have file room personnel to assist them. Because the office does not have complete control and security of its files, cases can be misfiled. Use of clerical staff in the file room is counter productive and cannot give the office the needed control and security over its files or provide the service the public deserves. We critically need authorization for two file clerk positions to fill these posts.

c. One CS-7 File Clerk Supervisor (Landlord and Tenant Branch): +$17,000. Because of the importance of the file room function and the need for staff to appropriately maintain it, a supervisor of the personnel performing these functions is critical. This position would be responsible for overseeing all operations in the file room insuring the security and integrity of the case files and docket books. In addition, because of the volume of filing and

public assistance that will be required the supervisor will perform basic daily filing and maintenance functions as well.

d. One CS-9 Assistant Interview and Judgment Clerk (Landlord and Tenant Branch): +$22,000. Since 1980, the number of cases appearing before the Interview and Judgment Clerk has increased by 31%. Presently, the lone Interview and Judgment Clerk hears better than 100 consent agreements, court continuances, protective order payments, and approvals for funds released from the court registry each day. The concommitant paperwork from this caseload is also completed by the Interview and Judgment Clerk.

However, the growth in caseload is causing serious problems in public processing on a daily basis. For example, members of the public must wait several hours to have a consent order approved. The creation of this Assistant position would allow the Court to more efficiently process the public through this procedure. In addition, it would provide appropriate supervisory staffing of the Landlord and Tenant Clerk's Office by creating time for the present Interview and Judgment Clerk to perform supervisory duties.

e. Two CS-4 Court Aides (Civil Actions and Landlord and Tenant Branch): +$26,000. The Civil Actions and Landlord and Tenant Branches each need a court aide to assist with the transport of case files from the file room to other areas of the Courthouse. Currently, there is not adequate personnel to transport files which means they are given to attorneys or litigants for transport. Obviously, this impacts the security of court files. In addition, these positions would provide needed courtroom and branch support services. For example, in Landlord and Tenant, this position will insure orderliness and public access control to the Interview and Judgment Clerk, thereby moving the public through this process faster and with more decorum.

Criminal Division

a. Two CS-8 Warrant Clerks: +$39,000. The Corporation Counsel, the U.S.

Attorney's Office and the D.C. Metropolitan Police have established a highly successful program of "evening papering" by the prosecutors' offices. The Court has found that evening papering alleviates some delay problems and results in a more efficient arraignment court process. The Court must have two Warrant Clerks added to the Criminal Division staff in order to cover the additional working hours and paperwork required by this program.

b. One CS-8 File Room Supervisor/Information Specialist (Special Proceedings Branch): +$19,000. The File Room/Information Center houses over 500,000 criminal court cases along with indexes, dockets, lockup lists, four computer terminals, printer, TTY machine to assist the deaf, and a coin-operated copier machine for the public's use. This is a critical operation within the Division, but no line staff supervisor exists for this function. The supervisor would be responsible for overseeing the entire operation of this office, including supervising the work of five Contact Clerks. This would also include providing information, maintaining closed files, verifying records, safekeeping sealed or expunged records, etc.

c. One CS-6 Control Clerk (D.C. and Traffic Branch): +$16,000. At present, the D.C. and Traffic Branch is authorized only five Control Clerk positions, while the volume of cases requires six positions to stay current with the workload. The Control Clerks are responsible for transcribing and coding data from court jackets and tickets in the Court's data processing system. Projected workload trends indicate a critical need to increase authorized positions to this level.

Probate Division

Four CS-9 Case Managers/Information Specialists: +$93,000. To prepare for and successfully implement the automation of probate docket and case record systems, the Court will need four case manager/information systems specialist positions. These positions will review petitions for Probate and other pleadings for compliance with applicable statutes and rules, assist the public, bar and court officials by disbursing information regarding probate

procedures and estates, develop and implement, in conjunction with the Data Processing Division, standardized computer functions, prepare data forms, coordinate data entry procedures and handle complex issues for fiduciaries including managing a caseload of administration, fiduciary, and guardianship cases. They will perform sophisticated senior caseflow and case information functions as well as serve as the office line staff liaisons in the implementation of our new automated information system.

Family Division

a. One CS-6 Secretary (Child Support): +$20,000. With the advent of the new Child Support enforcement legislation, clerical work in this branch of the Court has increased dramatically. A secretary is needed to maintain filings and records, type reports and analyze documents, answer phones, fill-in for clerical shortages in other branches, and assist in all clerical functions related to insuring efficient processing in this critical area of Court operations.

b. Two CS-4 Court Aides: +$26,000. Because of the high volume of cases that are being set before the Hearing Commissioners and the proposed implementation of the individual calendaring system for Domestic Relations and Juvenile/Neglect, the Division will need additional daily resources to organize people and caseloads before and during Court. The efficient management of the caseload from the Branches through the Assignment Office to the Court Bench will greatly depend on our ability to swiftly move a large number of litigants and attorneys alike. The availability of adequate staffing levels will provide the Division additional resources to give and receive information on case assignments, to coordinate case information, to advise on programs, policies or procedures in a timely manner, as well as the regular established duties assigned to the court aide position. To insure these functions are appropriately performed, two court aide positions are needed.

Special Operations Branch

Two CS-4 Appeals Clerks: +$28,000. The Appeals Office is responsible for the timely processing of all cases on appeal, including the coordination, maintenance and distribution of filings, preparation of statistical reports, and coordination with the D.C. Court of Appeals, attorneys, and pro se litigants. Because of the volume of work that office must handle, it is constantly a struggle to keep the processing of appeals timely. The office has been limited to three staff persons and there is a backlog of cases to be processed. In order for the Appeals Office to process appeals on a timely basis it is necessary to have two additional Appeals Clerks on a permanent basis in that office.

Personnel Division

One CS-13 EAP Coordinator: +$37,000. Since the inception of the Employees' Assistance Program (EAP) in 1984, there has been a continued increase in the number of participants using the services of the program. Supervisors and employers have realized the value of the services and recognize the benefits it offers to them. Further, it is a service which can assist in the rehabilitation of employees whose performance may be impaired due to a personal problem, i.e., chemical dependency, mental and emotional problems, work problems, etc.

Since 1984, when the program was initiated, the number of employees, self-referred or referred, has increased by 75 percent each year. Our present staff, up till now, had to handle those referrals on a part-time basis. We recognize, however, the need for someone who is trained to make proper referrals for the varied and complex mental health and chemical dependency problems presented by many of our EAP clients. With a trained EAP coordinator employees can more effectively be referred out for proper treatment.

In order to properly perform this ever increasingly utilized service and to

enhance the process of returning our "troubled" employees back to full and productive work routines, a CS-13 EAP Coordinator position is requested.

Data Processing Division

a. One CS-12 Computer Systems Analyst: +$30,000. There is no more urgent need within the Data Processing Division than the requirement for a second Systems Analyst. Currently the Court has one senior systems analyst on staff, with no back-up. This is obviously a very precarious position in which to be and leaves the Court open to major problems. The Systems Analyst's job is to maintain the computer operations system, apply operating system upgrades and install new software. Having only one person in this area is a result of the lack of a position at a grade level adequate to attract a competent person in this, difficult and demanding, skilled position.

The addition of a CS-12 Computer Systems Analyst will provide the Division with the position flexibility it needs in this aspect of the Court's data processing support system.

b. New program equipment needs: +$72,000. During FY 1989, the Court expects to implement new data processing applications in support of the probate, child support and arbitration programs. The annual equipment costs associated with these programs, for terminals, printers and personal computers, will amount to $72,000.

Research, Evaluation and Special Projects Division

One CS-7 Assistant Child Care Director: +$17,000. With the anticipated expansion of the Child Care Center, an Assistant Director is needed for three major reasons: (a) to allow for an increase in the number of children permitted to be served by the Child Care Center; (b) to assist and back up the Director; and (c) to ensure adequate coverage to meet minimum standards of care.

Social Services Division

a. One CS-13 Supervisory Probation Officer: +$36,000.

b. Nine CS-12 Probation Officers: +$271,000.

c. One CS-6 Word Processing Clerk: +$16,000.

d. One CS-6 Probation Assistant: +$17,000.

Since its creation in 1971, the Social Services Division has continually worked and reworked its resources to accommodate events occurring outside its control that, nonetheless, impact on its day-to-day operations. The cumulative effect has been a substantial increase in the workload of the Division. For example, between 1976 and 1986 the caseload increased 76.3 percent (from 7,885 to 13,904). Concurrently, during this period the number of judicial reports have increased 40.3 percent. During this same timeframe, however, authorized probation officer staffing has been increased by less than 14%.

In order to cope with the ever-increasing caseload of the Social Services Division it is necessary that far more than the one CS-13 Supervisory Probation Officer, nine CS-12 Probation Officers, one CS-6 Word Processing Clerk and one CS-6 Probation Assistant that we have requested here be added to the current staff. However, recognizing FY 1989 constraints, we have settled on this bare minimum request.

e. One van: +$16,000. In order to provide more effective supervision and treatment for the repeat juvenile offender population, and serving as an alternative to incarceration, an intensive probation supervision operation for serious juvenile offenders is being implemented. This program requires the availability of a van to both help supervise program participants and also to provide the means of transporting program participants to appointments and events associated with their enrollment in the program.

Court-Wide (Other Than Personal Service) Increases

Increase for One Trial/One Day Juror Service Program: +$47,000. The "District of Columbia Jury System Act" (Public Law 99-650) has made it possible for the Superior Court to implement a one trial/one day system of jury service. This shorter term of service for petit jurors represents a major component in the Court's continuing effort to improve juror utilization and to reduce the inconvenience of jury service for our citizens. While the cost of juror fees and entitlements are expected to remain the same, the administrative costs associated with the one trial/one day program will amount to $47,000 for additional form costs.

Increase for training: +$27,000. In fiscal year 1989, the Superior Court will reach an authorized staff level of 1,173 employees. In order to contract for training sessions to be conducted at the Court and to enroll individuals in courses, $74,000 for training will be needed - $27,000 more than is currently in our budget base. This level of funding will allow us to meet our minimum training needs while training the largest number of employees, at all grade levels.

Increase for courtroom refurnishing: +$50,000. The furniture and carpeting in the 70 courtrooms and hearing rooms and the adjoining witness waiting and juror deliberation rooms are extremely heavily used. At least a dozen of our most heavily used courtrooms are in dire need of refurbishing. In order to provide a systematic means of refurnishing and refurbishing five courtroom areas annually, $50,000 is requested.

Base reduction for office equipment: -$104,000. This base reduction eliminates funding for one-time (non-recurring) purchases of office equipment provided in the FY 1988 appropriation.

In closing, Mr. Chairman, I wish to thank you and the other members of the Committee for the kind consideration you have shown the Superior Court in the past and hope you will look favorably upon the Court's request for this year.

OPENING STATEMENT OF LARRY POLANSKY

Senator HARKIN. Mr. Polansky.

Mr. POLANSKY. I would also submit my statement for the record. There are just a couple of things I would wish to bring to your attention, Senator.

We have a request for an increase of $5,767,000. However, 40 percent of that increase is for Criminal Justice Act funding, that is, representation for indigents over which we have relatively little control since we are just a conduit for the money.

Another 53 percent of our request is a request regarding the transfer of maintenance and security from the District government to the court. Now, if we were getting the kind of maintenance of our buildings and security that would provide us with a clean and a safe building to work in, this request would not be here. What we are really trying to bring to the attention of the District and the Congress is the fact that we feel very strongly that the cleaning and maintenance is inadequate, and that courthouse security is totally inadequate.

The actual request for support of the court system, the administrative unit of the court, is for $316,000. It is certainly a relatively small request. I would point out that within the total budget request there is also $64,000 that relates to liability insurance for the judges. We have been hanging, for 3 or 4 years now, on a promise that indemnification legislation will be passed by the District Council. It has not been passed. In fact, in the last "go-around" the legislation was tabled at the Committee of the Whole of the Council. And if we are to be "covered," we would have to be funded for the insurance.

The other thing I'd bring to your attention, in terms of staffing, is that we have included a request for an equal employment officer which the Council has supported. On the other hand, they have asked us to also provide two additional employees to support the equal employment officer, but no funds are provided for those two employees—in other words we are to "eat the cost." I would ask that consideration be given to providing the funding for those two positions.

Finally, there is a request for $1 million, in the Capital Program, that is for the creation of an independent juvenile cellblock in the building in order to adhere to the government's requirement that juveniles be kept out of sight and sound of adult prisoners. Although we do the best we can with screens and trying to walk juveniles and adults through appropriate corridors at different times, we cannot fulfill the requirement that juveniles be kept out of sight and sound of adult prisoners.

With that, I would say that I stand ready to answer any questions you might have, Senator.

PREPARED STATEMENT

Senator HARKIN. Thank you all very much. Mr. Polansky, we will make your complete statement part of the record.

[The statement follows:]

STATEMENT OF LARRY P. POLANSKY

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, I thank you for the opportunity to speak today to the budget of the District of Columbia Court System.

The Court System is requesting a Fiscal Year 1989 operating budget of $22,997,000, a net increase of $5,767,000 and 57 positions over Fiscal Year 1988. I must note however, that 53% of the increase ($3,058,000) and 56 positions relate to the transfer of building management and security responsibilities to the Court from the Department of Administrative Services budget. Another 40% of the increase ($2,329,000) is for the Criminal Justice Act program which provides for the defense of indigents. About 5 1/2% ($316,000), the amount which relates to the operation of my office, is for personnel compensation increases such as, pay adjustments, within-grades and the cost to employ an Equal Employment Opportunity Officer. The remaining $64,000 represents professional liability insurance needed until action is taken by the District of Columbia Council on long pending (and apparently dormant) idemnification legislation.

Of the amount requested by the Court System the following items are not supported by the District: $3,058,000 and 56 positions for the transfer to the Court of the building management and security responsibilities, and $64,000 for the professional liability insurance. The District, however, is requesting that two additional positions be added to the Equal Employment Opportunity Officer's staff, without the provision of any payroll funding. This would result in a $40,000 - $50,000 impact on the very small budget for Court System operation.

Mention must also be made of the effect of the District's action regarding the FY 1988 Supplemental. Late action by the Council removed all personnel funds which had been provided by the Mayor to fund FY 1988 salary increases. This amounts to $80,000, which the Court System will have to absorb in its already limited FY 1988 budget.

The final item I wish to call to your attention is the capital budget request for fiscal year 1989 which seeks funding for one capital project which will cost $1,000,000. This project, which is supported by the Mayor and the Council, will make possible the conversion of existing space in the District of Columbia Courthouse to provide a juvenile cellblock which can satisfy the critical federal requirement for juveniles in custody to be kept out of "sight and sound" of adult criminal defendants.

In preparing the Courts' budgets we have, as always, kept in mind the continuing fiscal constraints under which the District operates and the extraordinary pressures that a reduced Federal payment may impose on the FY 1989 budget process.

I would also ask that consideration be given to the inclusion of the attached language for two non-controversial technical amendments which would clarify the status of: (1) a judicial retiree who dies prior to recouping his or her contributions to the retirement fund; and (2) the Executive Officer in regard to the applicability of Sections 11-1526(b) and 11-1564(b) of the D.C. Code regarding involuntary retirement.

Finally, on behalf of myself and the Joint Committee on Judicial Administration, I want to thank you for your consideration of our requests and ask that you look favorably upon this year's submission.

DISTRICT OF COLUMBIA COURT SYSTEM
PROPOSED TECHNICAL AMENDMENTS

1. AMENDMENTS TO CHAPTER 15 OF TITLE 11, D.C. CODE --

Section 11-1563(d), D.C. Code is amended --

(A) by inserting "or while receiving retirement salary under this subchapter but before having recouped all contributions," before "the lump-sum credit for retirement"; and

(B) by inserting "or the balance after deduction of retirement salary paid prior to death, if applicable," before "shall be paid,".

2. AMENDMENT TO CHAPTER 17 OF TITLE 11, D.C. CODE --

Section 11-1703(b), D.C. Code is amended --

(A) by adding the following second paragraph:

"If an Executive Officer of the District of Columbia Courts, who has served at least five years as Executive Officer and is at least fifty (50) years of age is removed from office, in accordance with this section, the removal shall be treated for all purposes of retirement as an involuntary retirement of a judge in accordance with Sections 11-1526(b) and 11-1564(b)."

MAINTENANCE AND SECURITY RESPONSIBILITIES OF THE COURTS

Senator HARKIN. Let me just make sure I get it very clear in my head. An operating budget of $22,997,000, an increase of $5.7 million and 57 positions over fiscal year 1988. Now, here's one thing I don't understand. You say that 53 percent of the increase, $3,058,000 and 56 positions relate to the transfer of building management and security responsibilities to the court from the Department of Administrative Services budget.

What does that mean?

Mr. POLANSKY. Cleaning of the building, gardening of the exterior, and the provision of security guards within the building are provided by the Department of Administrative Services within their budget.

Since we appear to have no control over how or when the job is done; how the contracts are awarded for cleaning; who are hired as security guards and how many; we are asking that that responsibility be turned over to us, and we estimate the dollar figure for those activities to be $3,058,000, and the number of persons involved to be 56.

Senator HARKIN. So you are requesting the transfer of management and security responsibilities away from——

Mr. POLANSKY. The Department of Administrative Services. We would, however, be quite satisfied for the duty to remain there if the services were provided adequately. They are not.

Senator HARKIN. Does that request have to be approved by the District Council?

Mr. POLANSKY. Oh, yes.

Senator HARKIN. What position have they taken on that?

Mr. POLANSKY. The budget that you have from the Mayor and the Council does not include that.

Senator HARKIN. Well, you said the Mayor supported it.

Mr. POLANSKY. No; I don't believe the Mayor ever supported that particular piece of our budget. The Mayor supported the Superior Court budget in full, as submitted, after discussions with the Mayor and the Mayor's budget office. The only disagreement that the Mayor's office and the courts had were: the provision of the transfer of those items that you pointed out in the court system budget, and the indemnification [the insurance] amount. I think those are the only items of disagreement.

Senator HARKIN. Judge Ugast, who handles the Superior Court cleaning and management?

Judge UGAST. It's all part of the court system.

Mr. POLANSKY. Well, I'm the person who will deal with the Department of Administrative Services, but cleaning is a contract let by the Department of Administrative Services; they hire a cleaning company to come in and clean the courts, mostly in the evening, some during the day.

We have no direct control over the cleaning of our building.

Senator HARKIN. I see what you're saying. But what I understand is that the other courts, you didn't request this at all, right?

Mr. POLANSKY. Well, those services come through my office.

Senator HARKIN. I see.

Judge UGAST. He's our administrator, and he does those kinds of things.

Mr. POLANSKY. All the important things happen on my desk. [Laughter.]

Senator HARKIN. So do you feel strongly about this proposal, then, too?

Judge PRYOR. Well, I feel that security is a prime concern, and it's been obvious to all of us in the courthouse that we have one of two choices, either they do it properly or we take it over and try to do it properly. That's really the discussion this afternoon.

Senator HARKIN. So obviously the net increase of $5.6 or $5.7 million in your operating budget—obviously if they don't transfer that, you don't need it.

Mr. POLANSKY. That's right; it's just a number in that budget, in an attempt to bring the problem to someone's attention. We have so little leverage on getting anything to happen in either security or maintenance in our buildings.

Senator HARKIN. Are there other entities of the D.C. government that would have jurisdiction over—your GSA, or whatever it's called.

Mr. POLANSKY. Well, the responsibilities of the Department of Administrative Services are like GSA's responsibilities, and they are responsible for cleaning city buildings.

Senator HARKIN. But what I'm saying is——

Mr. POLANSKY. Would anybody have their own?

Senator HARKIN. Yes; are you alone in saying that it's not adequate?

Mr. POLANSKY. Oh, no, I'm certain we are not alone in saying it's not adequate. I was trying to go down the track of thinking whether there were others who might have their own responsibility—I don't know, but, perhaps, the school board does.

Senator HARKIN. I guess that's what I would like to know; that's sort of the flip side of what I was talking about: what other entities are there in the D.C. government that might provide their own?

Mr. POLANSKY. Someone like the school board, I think, might—but I don't know that that's true.

CRIMINAL JUSTICE ACT FUNDING

Senator HARKIN. Forty percent of the increase is for the program that provides for the defense of indigents.

Mr. POLANSKY. Yes; it is, sir.

Senator HARKIN. And I see that 96.8 percent of your defendants last year were qualified as indigents.

Mr. POLANSKY. If I could take a second to go through some of those slides.

Senator HARKIN. Very briefly—yes, go ahead.

Mr. POLANSKY. Yes; it would be very brief. That's precisely right. In the year 1987, 96.8 percent of the persons coming through the criminal system qualified as indigent and eligible for the provision of counsel. And the percentage has been in the nineties for a long time, but it's constantly rising. There were 37,500 vouchers issued last year to attorneys to pay them for the provision of such services. And that's a change from 1980 to 1987 of just about double the amount of activity.

In terms of dollars, from 1980 to 1987, $3.5 million in 1980 and we are just under $16 million for legal services in 1987.

Senator HARKIN. And that's just legal services in the criminal area?

Mr. POLANSKY. Yes; and it's exclusive of those services provided by the Public Defender Service. The Public Defender provides a certain amount of representation.

Senator HARKIN. That's not reflected in here.

Mr. POLANSKY. No; it's not, sir.

Senator HARKIN. So if in fact the Department of Administrative Services functions were not transferred, you would still need the $2.3 million plus the $316,000.

COUNCIL ACTION ON BUDGET REQUEST OF SUPERIOR COURT

Mr. POLANSKY. That's our request, sir.

Senator HARKIN. The Superior Court budget, $55 million, an increase of $5.4 million and 36 positions.

Now, this you said was supported by the Mayor but later overridden by the Council of the District of Columbia.

Judge UGAST. And $2,391,000 removed as well. Not only denied all positions, but——

Senator HARKIN. Reduce it. Oh, I thought they were talking about reducing the $5.4 million by $2.39 million.

Mr. POLANSKY. In essence that's true.

Judge UGAST. That's right.

Mr. POLANSKY. Of that number, $2.4 million, or $2,391,000 was reduced. But it affects two things: it affects the 36 positions, but, more importantly, it removes a million and a half dollars that were allocated for already authorized salary increases that must be paid. So it says eat another million and a half dollars.

Judge UGAST. Of the $5.4 million increase, Senator, part of it, about 800 and some thousand, represented the new positions; the rest of the money that they removed, as Mr. Polansky just said, would be for matters already established, that we have to pay, including pay adjustments to staff and judges.

Senator HARKIN. OK, I understand. How much was pay adjustments?

Mr. POLANSKY. There is a figure of a little over $3 million for that purpose in the budget request which they reduced by a million and a half, which says: make the pay adjustment out of your budget base—"eat it."

Senator HARKIN. And so you have to absorb about one and a half million.

Mr. POLANSKY. That's right, sir.

POSITIONS DENIED BY THE COUNCIL

Senator HARKIN. I see. Now, tell me about the 36 positions.

Judge UGAST. We asked for eight in the civil division, principally in the small claims and landlord and tenant area, where we had about 85,000 landlord and tenant complaints filed last year; and small claims which has had a 42-percent increase since 1984, I think, had somewhere between 30,000 and 35,000 complaints filed. We raised the level of small claims from $750 to $2,000 a couple of years ago. We need clerical type of people to deal with that. We are starting automation. Landlord and tenant has just gone on, and we hope to get small claims on in July, which is a volume operation that affects lots and lots of people.

On the criminal side we asked for four positions and I believe 12 probation officers. The probation officers are carrying about 10,000 people in supervisory status. And this is to assist in the increasing numbers that are going out on probation, to the extent that they are given probation or their sentences are split between incarceration and probation.

The family division I believe we asked for three or four individuals, principally in the child-support enforcement area which, as you know, has been mandated by federal legislation. We adopted tentative child-support guidelines for the court, and we need to ask for three people to assist in that. We are trying to help improve the District's collection ef-

fort, which, unfortunately, has been very, very bad over the years, by working closely with the Department of Human Services [DHS].

We asked for four positions in the probate division. That is an old, old division that's always been of great service to the community and the bar, but has never been automated—and we are hoping to go to automation this summer in the Probate Division. And for that we are asking for four individuals, including a couple of people on the audit side.

Then I think the rest, a person to operate the employee assistance program, one for data processing and one for the child care center that we have, and two in special proceedings which deals with the appeals and appeals coordinator's office and our 1-day one-trial jury service expansion, where we have now taken over from the District court the entire jury process, including summoning and qualification.

FISCAL YEAR 1988 PAY RAISE FUNDING

Senator HARKIN. You mentioned the 1988 supplemental, which is coming up here pretty soon. You said that "Late action by the Council removed all personnel funds which had been provided by the Mayor to fund 1988 salary increases."

Judge UGAST. $1,197,000.

Senator HARKIN. Which you have to absorb in this budget this year.

Mr. POLANSKY. That's right—and it's impossible, because we are now 7 months through the year. It's incredible. We don't believe that that's what's going to happen, we cannot believe they are going to keep $1,197,000. However, at this point we have no assurance that any of those funds will come back.

In the first blush, the Mayor allocated his funds for the salary increase of the year to all of his executive branch agencies and to the independent agencies. At the second blush, when they had a shortfall of anticipated revenue, the Council took all of those dollars back. And so the District has not made any supplemental money for pay increases available to us.

We do not yet have an indication of whether all or none, or some portion, will come back to us. And that's why the note is there, to make sure that something happens. We can't absorb $1.2 million in 5 months; it's out of the question.

NO CHANGES IN COURT OF APPEALS' BUDGET

Senator HARKIN. Very good. Judge Pryor, the Appeals Court, $4,398,000 and $364,000 and no positions over the fiscal 1988 budget.

This was approved.

Judge PRYOR. That's why I'm quiet. [Laughter.]

STATUS OF AN INTERMEDIATE COURT

Senator HARKIN. Just a couple of questions, to follow up on some things that I think started out last year. You have asked for an intermediate court. You know, we talked about that last year.

Judge PRYOR. I remember it got your interest, and I was pleased.

Senator HARKIN. And I'm still interested in it. What's happened?

Judge PRYOR. Well, it's interesting, Senator, because as you sit here this afternoon and listen it all begins to fit together. If you listen to how much work the Superior Court is doing and what's driving them, and the fact that they've gotten new judges and that there are drug sweeps on the street—these cases have to be appealed somewhere. And they come to our court.

And so you have to look at it as more than just two courts, but a court system. And Judge Ugast and I have spent considerable time trying to improve and emphasize the court system approach, how we can make the two courts work better together.

Some bare facts, however, are that the adjustments that have been made in some parts of the system—and I like athletics, so you can think of a weightlifter working on his legs but not working on his arms, and you get the system beginning to get out of balance. And I suggest that that's what's beginning to happen to the Court of Appeals, that the influx of cases show dramatically in the figures, and it's not a sudden problem, it's a gradual problem that was building before you and I came upon this process. Nonetheless, the problem is there. And from the latest figures you see that we are now falling behind in the average time it takes to process an appeal. We are falling behind in the number of cases pending. And if you look at the graph, you will see that it goes back many years, not just the last 2 or 3 years.

So in answer to the question that you asked, I can try to be succinct. We've looked at the various options. Can we improve our management? We are trying that, and we try to get rid of old cases, we try to use computers, we try to handle the calendar better—we do a lot of things. We work the judges very hard.

One classic biting-edge, cutting-edge decision that has to be made is this. Presently in the District of Columbia there is a tradition that when you get these cases in the Superior Court, each person has a right to appeal to the highest court. So as we sit now, a litigant that loses in the Superior Court, except for small claims court, has a right of appeal—we don't control it. Thus, one solution would be to change the rule of court so that people don't have a right of appeal. I am against that. I think it is unfair, and the tradition of the bar would be against it. So that's a second option—the first would be try to do better with what you have.

A third is to follow what has happened in the Superior Court—add on some new judges. In an appellate court that has some serious problems, because if you make the loop too large, then one set of judges is deciding one principle, and another is deciding a contradictory principle.

In effect, our court is now doing two things at once: it is sitting in panels of three, which is the intermediate court process, and it also sits as the highest court when we all sit together.

The last thing to do is to formalize what we now do informally, that is, to have a court which sits as an intermediate court, and to have another court which sits as a supreme court, or highest court.

Obviously that is easier said than done. People look for assurances—will this guarantee it? I am prompt to say no, I offer no guarantees. But if you look at experience around the country, including your own state of Iowa, you see that that approach has worked well.

And so that's where I stand.

Senator HARKIN. We do have an intermediate court, and it has worked.

STUDY OF INTERMEDIATE COURT

Judge PRYOR. And, as I say, in the House, we have testified that there have been a number of studies; presently there is one more. The unified bar has a committee that's working on that "issue." Judge Ugast and I have considerable administrative things that have to be considered, because, as you know, our court now is—and I want to make one point very clear—run by a committee composed of Judge Ugast and some judges, myself and some judges, and we administer the court.

What I am against, because I think any sensible person would be, any procedure that shifts appeals from our court and puts them on the Superior Court. In my view, they have all the work they can handle now.

I am also against any stop-gap measure that would take their retired judges, give them to us for appeals while they struggle along. I told Chief Judge Ugast that privately, I say it publicly. I don't think there is any great wisdom in it, it just doesn't make any sense to take resources from them and give it to us.

So I think the long-term resolution of this problem is one that looks at the hard-headed metropolitan caseload that our court system confronts.

So that's how I come out.

NUMBER OF JUDGES ON AN APPELLATE COURT

Senator HARKIN. How many people would be on that appellate court, do you think?

Judge PRYOR. We have talked about the range of five to seven—and I think nine probably is too much. We don't need nine, but we've talked about five and seven.

Senator HARKIN. How about just putting three or four additional people on your court?

Judge PRYOR. If you did that, I am saying that temporarily you would get a little relief, but you would not really solve the problem—it would show up in another 5 years. And I don't want to belabor this, but essentially what happens is this: when the three of us work on a case, one of us writes it, it is circulated to the other two people until we all agree on it; it is then sent to the other six people to make sure that they are not saying something contradictory to what we are saying. Think what happens if you expand that loop: pretty soon it's unwieldy. And that is

why, when you look around the country, you don't see a higher court, including the Supreme Court of the United States, that's larger than nine.

And that's the hardcore experience reason.

ONE-TRIAL, ONE-DAY SYSTEM

Senator HARKIN. How's that one-trial, 1-day jury system working?

Judge UGAST. We are real pleased; it's been going since January 4. I get a few calls from people wanting to know whether they really have to serve.

We are bringing in about 220 to 240 individuals a day that we have to get qualified. We are doing the whole system now in a one-step operation where we send out the summons and the qualification questionnaire as one; it comes back to us; we are using a bar code and light pen system as they come in, to record their advances immediately into the computer. And the panels are selected at random by the computer.

We are pleased. It's using an awful lot of individuals. As I say, over the course of a day you may have 200 carried over, and you have about 220 or a little more coming in, so each day we are carrying an inventory somewhere in the neighborhood of 450 people. We are trying to administer it as tightly as we can so that if people are not going to be needed, we can send them home by 1 o'clock.

We are pleased with it and get a lot of compliments from citizens. A little bit of education is needed: everybody thinks they shouldn't be there but 1 day, and we are trying to educate them to the point that it's one trial or 1 day; so if they get on a trial, they are going to be there as long as the trial takes.

But other than that and some address problems it works fine. We use the voting list and the motor vehicle operators list, and we are finding that apartment numbers aren't listed as well as addresses for motor vehicle operators are only changed every 4 years. We are getting about 42- to 45-percent yield, as I understand it, which is above the national average, but we need more because we don't want to use people more than once every 2 years.

But the most satisfactory element of it, I think, is that the individual citizen has been, overall, very, very pleased.

SUMMARY REMARKS OF SENATOR HARKIN

Senator HARKIN. I have some other questions, but I think in the interest of time I will just forgo those. I just want to say again that it's clear to me that the Superior Court, the Court of Appeals, are tremendously overworked in this city. These cases have gone up, the number of indictments, and certainly the personnel has not kept pace. And again, philosophically, if you have a criminal justice system, and if indictments are going up, all the time you don't add anyone else to handle that caseload, then obviously plea bargaining has to take place, people are getting off—they think they can beat the system, and the whole respect for the system breaks down.

Judge PRYOR. What we call a game theory of law. It's not a good one.

Senator HARKIN. Yes; so I am very sympathetic, and we will see what we can do to help you.

Judge PRYOR. Well, thank you.

Judge UGAST. Thank you.

Mr. POLANSKY. Thank you.

Senator HARKIN. Thank you very much.

SCHOOL SYSTEM

STATEMENTS OF:

HON. LINDA CROPP, PRESIDENT, BOARD OF EDUCATION

ANDREW JENKINS, SUPERINTENDENT-DESIGNATE, D.C. SCHOOL SYSTEM

ACCOMPANIED BY:

WANDA WASHBURN, VICE PRESIDENT, BOARD OF EDUCATION

BOB BOYD, MEMBER, BOARD OF EDUCATION

PATSY BAKER BLACKSHEAR, ACTING ASSOCIATE SUPERINTENDENT, MANAGEMENT SERVICES

INTRODUCTION OF WITNESSES

Senator HARKIN. We now turn to the Board of Education of the District of Columbia. We welcome to the subcommittee the Honorable Linda Cropp, president of the Board of Education, and Dr. Andrew Jenkins, the superintendent-designate of the District of Columbia School System. I understand this has happened within the last few days, or weeks.

Dr. JENKINS. Yes, sir.

Senator HARKIN. When?

Dr. JENKINS. Yesterday.

Senator HARKIN. And?

Ms. WASHBURN. Wanda Washburn, vice president of the Board of Education.

Senator HARKIN. And would the other people who are here identify themselves.

Mr. BOYD. I'm Bob Boyd, I'm a member of the Board of Education.

Dr. BLACKSHEAR. I'm Patsy Baker Blackshear, acting associate superintendent of Management Services.

Senator HARKIN. Welcome to the subcommittee. If you were present last year—I don't know if you were——

Ms. CROPP. Yes, I was.

Senator HARKIN. I had some interest in some different aspects of education in the District of Columbia. And we welcome you back again and ask you to summarize your statement, if you could.

OPENING STATEMENT OF LINDA CROPP, PRESIDENT OF THE BOARD OF EDUCATION

Ms. CROPP. Thank you very much, Senator Harkin. Let me say good afternoon, and, on behalf of the Board of Education, I am very happy to be here before you today in support of our budget.

As you know, we have a budget request of $452.4 million for 1989, and we are also requesting an additional $10 million in our supplemental request.

I will summarize, as you suggested, and then I will ask Dr. Jenkins to give you some more specifics with regard to our budget.

We have basically been moving forward in the School System. During the last school year we had reduced our pupil-teacher ratio in kindergarten through the 7th grade, based on the former budget that we had received. Good things happened when we reduced our pupil-teacher ratio on the elementary level and also on the secondary level. We also reduced it for English and math classes. We've had success with many of our students. We have found out that most of our students are prepared to leave high school and become productive members of society, whether they go into the work field or go on to higher education.

Our students did extremely well in receiving scholarships and grants from other agencies.

Over the past few years, even though our budget has increased, we have not received the amount of funds that we would have liked to have received in order to carry on everything that we want. But what we have enjoyed having outside agencies, whether from the private sector or from the government sector, volunteer and work with our students. And they have supplemented our resources in a way that has proven beneficial to our students.

This year, when we submitted our original budget request, it was much higher than what is before you now. We had anticipated further reducing our pupil-teacher ratio in the elementary level, and on the secondary level moving on to the social studies classes and the science classes. However, with the budget that was approved, we will not be doing that at this point.

We did find ourselves in a predicament, however, where it was necessary for us to go back, revisit our budget and make some changes, because the amount approved was not enough to even carry out our pay raises. The supplemental that we received was for $10 million. However, in order to meet our payroll through September 1988, we needed about $25.1 million. So the school system did go back, revisited our budget, and made some reductions in house, about $5 million was cut from OTPS, and about $1 million was diverted from summer school.

Right now, in order to meet our payroll through September 30, we need roughly about $7.8 million in additional funding.

Initially we had signed a memorandum of understanding with the Mayor last year, and it was included in the Council's approval of our budget. In fact, it's mentioned in the report accompanying the fiscal year 1988 appropriations act that Congress understood that our pay raises were to be paid by a supplemental request this year.

The supplemental, again, did not cover our total estimated pay raise increases. So we have now entered into a second memorandum of understanding, and we hope that the shortfall that we may be facing will be covered by additional funds received pursuant to the second memorandum of understanding with the Mayor.

PREPARED STATEMENT

Basically, Senator, that is a summary of our budget status at this point. In more detail, you have my prepared speech before you.

[The statement follows:]

STATEMENT OF LINDA W. CROPP

GOOD AFTERNOON, SENATOR HARKIN AND MEMBERS OF THE SUBCOMMITTEE. I AM LINDA CROPP, PRESIDENT OF THE DISTRICT OF COLUMBIA BOARD OF EDUCATION. ON BEHALF OF THE BOARD, I AM HONORED TO APPEAR BEFORE YOU TODAY IN SUPPORT OF OUR FY 1989 BUDGET REQUEST, IN THE AMOUNT OF $452.4 MILLION, AND OUR FY 1988 SUPPLEMENTAL BUDGET REQUEST, IN THE AMOUNT OF $10 MILLION.

FOLLOWING MY STATEMENT, DR. ANDREW JENKINS, ACTING SUPERINTENDENT OF THE D.C. PUBLIC SCHOOLS, WILL SPEAK IN SOME DETAIL OF WHAT THE SCHOOL SYSTEM HAS BEEN ABLE TO ACCOMPLISH WITH OUR FY 1988 BUDGET INCREASES AND WHAT WE HOPE TO ACHIEVE WITH THE ADDITIONAL MONIES WE ARE REQUESTING IN FY 1989. THEREFORE, AT THIS TIME I WOULD LIKE TO GIVE YOU A SOMEWHAT BROADER VIEW OF THE PROGRESS THAT THE SCHOOL SYSTEM HAS MADE OVER THE PAST FEW YEARS. I WILL ALSO SPEAK BRIEFLY OF THE CHALLENGES THAT STILL CONFRONT US IN OUR EFFORTS TO PROVIDE EVERY D.C. PUBLIC SCHOOL STUDENT WITH THE BEST POSSIBLE EDUCATION.

IT IS MY PLEASURE TO INFORM YOU THAT WE CONTINUE TO SEE POSITIVE RESULTS ACCRUING FROM THE SCHOOL IMPROVEMENT INITIATIVES FINANCED WITH OUR RECENT BUDGET INCREASES. DURING SCHOOL YEAR 1986-87, FOR EXAMPLE, MORE THAN 90% OF OUR ELEMENTARY STUDENTS WERE ABLE TO MOVE AHEAD TO THE NEXT LEVEL OF WORK AT BOTH MID-SEMESTER AND THE END OF THE YEAR.

MOREOVER, ON THE SECONDARY LEVEL, NOT ONLY DID SIXTY PERCENT OF OUR CLASS OF 1987 INDICATE THAT THEY INTENDED TO PURSUE COLLEGE CAREERS OR OTHER POSTSECONDARY TRAINING FOLLOWING GRADUATION, BUT THESE GRADUATES ALSO GARNERED MORE THAN $7 MILLION IN FINANCIAL AID, SCHOLARSHIPS AND OTHER AWARDS.

I AM NOT SUGGESTING, HOWEVER, THAT THESE ACHIEVEMENTS WERE ACCOMPLISHED THROUGH THE EFFORTS OF THE D.C. PUBLIC SCHOOLS ONLY. RATHER, LAST YEAR ALONE, OVER 20,000 VOLUNTEERS, 100 BUSINESSES, 60 LOCAL AND FEDERAL AGENCIES, AND EVERY LOCAL COLLEGE AND UNIVERSITY HELPED US MOVE TOWARD OUR GOAL OF IMPROVING THE QUALITY OF INSTRUCTION OFFERED IN THE D.C. PUBLIC SCHOOLS.

MORE SPECIFICALLY, WORKING HAND-IN-HAND WITH THE D.C. DEPARTMENT OF EMPLOYMENT SERVICES, THE SCHOOL SYSTEM ESTABLISHED PROJECT SUCCESS, A PROGRAM DESIGNED TO GUARANTEE THAT EVERY D.C. PUBLIC SCHOOL GRADUATE, NOT

INTERESTED IN POSTSECONDARY EDUCATION OR TRAINING, IS ABLE TO OBTAIN MEANINGFUL EMPLOYMENT AFTER GRADUATION. SIMILARLY, TOGETHER WITH JOURNALIST CARL ROWAN, THE SCHOOL SYSTEM INITIATED PROJECT EXCELLENCE, A SCHOLARSHIP CAMPAIGN AIMED AT STUDENTS EXCELLING IN ORAL AND WRITTEN RHETORIC. ADDITIONALLY, THE D.C. PUBLIC SCHOOLS HAS STARTED TO PLACE INTERESTED STUDENTS IN A HOUSING REHABILITATION TRAINING AND JOB PLACEMENT PROGRAM, INITIATED BY PEPCO, DESIGNED TO TEACH THESE YOUNG PEOPLE CARPENTRY, DRAFTING AND BUILDING MANAGEMENT SKILLS.

BY DESCRIBING THE PROGRESS THAT THE SCHOOL SYSTEM HAS MADE DURING THE PAST FEW YEARS, HOWEVER, I DO NOT MEAN TO GIVE THE IMPRESSION THAT WE HAVE NOW DONE ENOUGH FOR OUR STUDENTS. RATHER, WE WHO ARE INTIMATELY INVOLVED IN THE OPERATION OF THE D.C. PUBLIC SCHOOLS ARE ALL TOO AWARE THAT COUNTLESS, FORMIDABLE CHALLENGES LIE AHEAD OF US. WE ARE ALSO FULLY COGNIZANT THAT CONFRONTING THESE CHALLENGES SUCCESSFULLY WILL REQUIRE THE SAME COMMITMENT TO INCREASED FUNDING, ON YOUR PART, THAT YOU HAVE SO WISELY MANIFESTED IN RECENT YEARS. IN SHORT, WE ARE AWARE THAT MUCH HARD WORK LIES BEFORE US AND THAT FULL FUNDING OF OUR FY 1988 SUPPLEMENTAL AND FY 1989 BUDGET REQUESTS IS A NECESSARY PREREQUISITE TO OUR MEETING THESE CHALLENGES HEAD-ON.

UNFORTUNATELY, WE ALSO RECOGNIZE THAT EVEN FULL FUNDING OF THESE BUDGETS WILL NOT ENABLE US TO SUSTAIN THE ACHIEVEMENTS WE HAVE ACCOMPLISHED OVER THE PAST FEW YEARS, MUCH LESS TO INITIATE ANY NEW SCHOOL IMPROVEMENT EFFORTS IN FY 1989. COGNIZANT OF THIS FACT, THE BOARD ENTERED INTO A MEMORANDUM OF UNDERSTANDING, ON APRIL 12 OF THIS YEAR, IN WHICH THE MAYOR, IN HIS WISDOM, AGREED TO SEEK THE ADDITIONAL MONIES NECESSARY TO MAINTAIN OUR CURRENT LEVEL OF OPERATIONS IN FY 1988, PROVIDED A CLEAR SHOWING OF THE NEED FOR SUCH FUNDING, TO AVOID FURLOUGHS, LAYOFFS OR CUTBACKS OF EXISTING PROGRAMS, HAS BEEN MADE.

WE IN THE SCHOOL SYSTEM ARE CONVINCED THAT SUCH SUPPLEMENTAL FUNDING WILL BE NECESSARY IN FY 1988, BECAUSE OF BOTH THE INSUFFICIENCY OF OUR PRESENT BUDGET AND THE LATE DATE AT WHICH WE LEARNED OF ITS INADEQUACY. AS WE DID NOT BECOME AWARE OF OUR BUDGET DEFICIENCIES UNTIL ALMOST HALFWAY THROUGH THIS FISCAL YEAR, WE HAVE HAD A HARD TIME COMPENSATING FOR THIS DEFICIT. FACED WITH THIS SHORTFALL, WE RESPONDED IN THE SAME FISCALLY RESPONSIBLE MANNER THAT HAS EARNED US FAVORABLE AUDITS FOR THE PAST SIX YEARS AND LED TO OUR RECEIPT OF THE D.C. CONTROLLER'S AWARD FOR FY 1987. SPECIFICALLY, WE HAVE INSTITUTED MANY COST-SAVING MEASURES---INCLUDING IMPLEMENTATION OF A HIRING FREEZE, EFFECTUATION OF A

$5 MILLION CUT IN OTHER-THAN-PERSONNEL-SERVICES (OTPS) SPENDING, AND A CURTAILMENT OF OUR SUMMER SCHOOL PROGRAM. HOWEVER, WE REMAIN SURE THAT OUR PRESENT FY 1988 BUDGET WILL STILL PROVE INADEQUATE TO ENABLE US TO AVOID STAFF FURLOUGHS THAT BOTH THE BOARD AND THE MAYOR ARE SO ANXIOUS TO FORESTALL.

I WISH TO EMPHASIZE THOUGH, THAT AS I MENTIONED ABOVE, SHOULD OUR ASSUMPTION REGARDING THE INSUFFICIENCY OF OUR BUDGET PROVE INCORRECT, AND NO SHOWING OF A NEED FOR ADDITIONAL FUNDING BE MADE, THE TERMS OF THE APRIL 12 MEMORANDUM OF UNDERSTANDING PRECLUDE OUR RECEIVING SUPPLEMENTAL MONIES. IN OTHER WORDS IF, AS SOME CONTEND, WE REALLY HAVE MONIES "STASHED AWAY" WHICH COULD BE USED TO FUND OUR PAY INCREASES, WE WILL RECEIVE NO EXTRA FUNDING. ON THE OTHER HAND, IF, AS WE PREDICT, OUR PRESENT FY 1988 BUDGET PROVES INADEQUATE TO ALLOW US TO CONTINUE AT OUR CURRENT LEVEL OF OPERATION, COMPLIANCE WITH THIS MEMORANDUM OF UNDERSTANDING WILL SERVE AS A "SAFETY VALVE," ENABLING US TO AVOID STAFF FURLOUGHS THROUGH AN INFUSION OF SUPPLEMENTAL FUNDING.

I SHOULD POINT OUT, MOREOVER, IN HONORING THE MEMORANDUM OF UNDERSTANDING OF APRIL 12, 1988, THE MAYOR WILL COMCOMITANTLY BE LIVING UP TO AN EARLIER MEMORANDUM OF UNDERSTANDING WHICH HE EXECUTED WITH THE BOARD IN FEBRUARY OF 1987. IN THIS 1987 MEMORANDUM, THE MAYOR AND THE BOARD AGREED THAT D.C. PUBLIC SCHOOL FY 1988 EMPLOYEE PAYRAISES WOULD BE FULLY FUNDED THROUGH THE PROVISION OF SUPPLEMENTAL MONIES. SUBSEQUENTLY, THE COUNCIL EXPLICITLY INDICATED ITS APPROVAL OF THIS MEMORANDUM IN LANGUAGE INCLUDED IN ITS 1988 "FISCAL YEAR BUDGET REQUEST ACT", AND CONGRESS SIMILARLY EXPRESSED ITS ENDORSEMENT OF THIS AGREEMENT IN A STATEMENT CONTAINED IN THE REPORT ACCOMPANYING THE FY 1988 APPROPRIATIONS ACT.

AS I STATED EARLIER, WE IN THE SCHOOL SYSTEM ARE CONVINCED THAT THE MAYOR WILL HONOR BOTH OF THESE AGREEMENTS BY PROPOSING ADDITIONAL FY 1988 SUPPLEMENTAL FUNDING FOR THE SCHOOL SYSTEM. WE HOPE THAT WE CAN COUNT ON YOUR SUPPORT FOR THIS SUPPLEMENTAL BUDGET, AS WELL AS FOR THE FY 1989 SUPPLEMENTAL BUDGET WHICH WE ARE EQUALLY CERTAIN WILL BE NECESSARY DURING THE NEXT FISCAL YEAR.

FOR NOW, HOWEVER, WE ARE ASKING ONLY THAT YOU ACKNOWLEDGE THE DIFFICULTY OF THE TASK WHICH LIES AHEAD OF US, AND DEMONSTRATE YOUR SUPPORT FOR OUR EFFORTS, BY APPROVING THE BUDGET REQUESTS, PRESENTLY BEFORE YOU, THAT DR. JENKINS WILL NOW DESCRIBE IN MORE DETAIL. I THANK YOU FOR ALLOWING ME TO TESTIFY THIS AFTERNOON AND WOULD BE HAPPY TO ANSWER ANY QUESTIONS YOU MIGHT HAVE, EITHER NOW OR AT THE CONCLUSION OF DR. JENKINS' PRESENTATION.

FISCAL YEAR 1988 SUPPLEMENTAL REQUEST

Senator HARKIN. So tell me again, how much are you asking in the supplemental?

Ms. CROPP. The supplemental that is before you now is for $10 million. It's a shortfall. It will not cover all our needs, however, we are requesting $10 million. That is what was approved by the City Council and the Mayor.

FISCAL YEAR 1989 BUDGET REQUEST

Senator HARKIN. The 1989 budget request is $452.4 million?

Ms. CROPP. That is correct.

Senator HARKIN. How much of an increase is that over last year?

Ms. CROPP. Last year it was $413 million, so that's a $38.8 million increase.

Senator HARKIN. So that's about a 9-percent increase, is that about right?

Ms. CROPP. Yes; 9.4 percent.

Senator HARKIN. And what's that increase for?

Ms. CROPP. The $10 million will only cover partial negotiated pay increases for our teachers. It will not cover totally our teachers' pay raises. They represent our largest bargaining unit. We need about $12.4 million to cover their pay increases. However, that will still, unfortunately, leave our teachers at the bottom of the pay scale for the metropolitan area.

COMPARISON OF TEACHERS SALARIES WITH SURROUNDING JURISDICTIONS

Senator HARKIN. What's the pay like in terms of teachers in the District versus Maryland and Virginia?

Ms. CROPP. I have a sheet that I can share with you that will spell it out, Senator.

Senator HARKIN. So let's see, teachers' salaries—are these starting salaries, or are these median?

Ms. CROPP. They are starting salaries.

Senator HARKIN. What are these numbers in parentheses?

Ms. CROPP. They are percentage of increase, I believe.

Senator HARKIN. Oh, percent increase from previous year.

Ms. CROPP. Yes.

Senator HARKIN. So for the 1987–88 school year, for example, Fairfax County, the starting salary was $22,000?

Ms. CROPP. That's correct.

Senator HARKIN. And the starting salary in the District of Columbia was $19,100.

Ms. CROPP. That's correct.

Senator HARKIN. And that was a 7½-percent increase.

Now, for school year 1988–89—that's this year.

Ms. CROPP. Yes.

Senator HARKIN. Fairfax is $23,100 and the District of Columbia is $21,400, is that right?

Ms. CROPP. That's correct.

Senator HARKIN. I just want to make sure I'm reading that correctly.

Ms. CROPP. That's correct. This is 1987–88 now, and 1988–89 will start in September.

Senator HARKIN. That's the starting salary for teachers starting this fall.

Ms. CROPP. That's correct.

Senator HARKIN. And then in 1989–90—this is what you are looking ahead to.

Ms. CROPP. That's right. This is based on the contract that we have recently negotiated and signed with our teachers.

Senator HARKIN. And maximum for Fairfax is $50,000—and that was in 1987–88.

Ms. CROPP. That's correct.

Senator HARKIN. And it was, what, $39,500 or $41,800—I don't know what those two figures are there for.

Ms. CROPP. It depends on whether or not they have a bachelor's degree or whether or not they have a Ph.D degree, and the final negotiation results for fiscal year 1988 pay raises. So for the teacher with a master's, the highest is $39,000 for a doctorate or a master's plus 60 it would be increased to $41,000 to reflect pay raises for fiscal year 1988.

Senator HARKIN. So is it correct to say that in all categories, starting salary, maximum salary, that teachers in the District of Columbia are paid less than all surrounding jurisdictions?

Ms. CROPP. That is correct.

Senator HARKIN. That is correct?

Ms. CROPP. That is correct. And that has been our concern, particularly when we were negotiating our recent contract. As you know, Senator, there is a teacher shortage, not only in the Washington metropolitan area, but nationwide. And in order to attract and retain our teachers, we truly felt that we needed to be comparable with surrounding jurisdictions.

Senator HARKIN. I'm going to get back to that in a moment with regard to another issue that came up yesterday, but let's go to——

COMPARISON OF ADMINISTRATORS' SALARIES WITH SURROUNDING JURISDICTIONS

Ms. CROPP. If I can, Senator, add that with regard to our administrators, it's even worse—the picture is even more bleak than the teachers.

Senator HARKIN. What do you have on that?

Ms. CROPP. We can show you.

Senator HARKIN. Principals' salaries—well, wait a second, I don't understand this. The minimum you are ahead of Fairfax County; $37,000 in the District, compared to $34,000 for Fairfax County. Am I reading this correctly? Prince George's is $36,000. You are obviously below Montgomery County, but you are ahead of two others—you are ahead of Fairfax and Prince George's.

Now, on the maximum end I see you are the lowest; $50,000 in the District of Columbia, the nearest is $62,000 in Prince George's.

The average of other districts is $40,828, and I don't know what the average is for the District of Columbia. I don't understand this. You have given me the average of other districts.

Ms. CROPP. Senator, if I can ask our budget director if she would answer your question in this regard.

Dr. BLACKSHEAR. The information here, Senator, does not represent the final figures for the School System. The Council of School Officers—the principals—have not received a pay raise for this year. Those negotiations are still ensuing, and these were estimates in a possible scenario.

So we are incomplete on that data at this point, since they are still in negotiations.

Senator HARKIN. What I am saying is you have one line that says "Average of other districts, excluding D.C.—$40,828"—that's for this school year that we are in right now, 1987–88.

Dr. BLACKSHEAR. That is correct.

Senator HARKIN. What would be the average for the District of Columbia?

Dr. BLACKSHEAR. The average beginning salary is about $38,000 to $42,000; it depends on the degree that the principal holds.

OPENING REMARKS OF SUPERINTENDENT-DESIGNATE ANDREW JENKINS

Senator HARKIN. OK, that's all I wanted to know. Well, let me recognize the acting superintendent of schools—or are you acting any longer?

Dr. JENKINS. Designate.

Senator HARKIN. Designated now, right? Designated superintendent of schools, Andrew Jenkins. Welcome to the subcommittee.

Dr. JENKINS. Good afternoon, Senator Harkin. I am very pleased to come before you today, for the first time, to present the highlights of both the School System's fiscal year 1989 budget(request and that portion of the fiscal year 1988 budget supplemental designated to D.C. Public Schools.

I would like to submit my full statement for the record and try to summarize the statement.

I would like to take a moment to speak briefly of what the school system has accomplished during this fiscal year. We have now implemented the third and final phase of our plan to provide full-day prekindergarten in all of our elementary schools. As Ms. Cropp has said, we have been able to lower the pupil-teacher ratio to an average of 20 to 1 in all of our prekindergarten through second grade classrooms. We have similarly reduced the sizes of our second math and English classes to an average of 20 students per teacher.

Our fiscal year 1988 budget has also enabled us to increase the number of tutorial and enrichment course offerings that are available. The entire $2 million in increased funding for textbooks, which you approved last year, has been expended, and I am pleased to advise you that we are forging ahead with our local school computerization efforts.

With the additional moneys which the Congress allocated to the D.C. Public School Foundation for the ACCORD Program, the Foundation is about to initiate this project which is designed to provide those high school students most at risk of dropping out of school with the skills necessary to obtain entry-level employment. Using other funds added to our budget by the Congress, the School System has begun to work with representatives of Catholic University to establish the Federal City Communications Center, which is a state-of-the-art communication facility.

Our fiscal year 1988 budget has enabled us to continue progress in several key areas. However, serious challenges remain before us. We ask that you support, first of all, that part of the fiscal year 1988 supplemental budget request in the amount of $10 million designated to go to the School System. These funds will allow us to fund part of the negotiated pay raise that will make D.C. Public School salaries comparable. The remainder of the moneys needed to finance these pay raises will have to be provided by the Mayor at a later time.

We urge that you also support the Board of Education's fiscal year 1989 budget request of $452.4 million. This amount represents most of the money that we need if we are to sustain the many accomplishments that we have achieved.

We will not be able to provide any new and improved services during the next fiscal year. With the requested budget increases before you today, we will be able to maintain the reductions in the pupil-teacher ratio. These additional funds will also allow us to continue our use of technology.

These proposed budget increases will enable our school to maintain and refine our tutorial programs as well as to offer alternative educational programs. With these additional moneys we will also be able to promote greater public involvement.

Your support of the School System's fiscal year 1989 supplemental and fiscal year 1989 budget request now before you, as well as all additional supplemental budget requests pertaining to the School System which come before you during fiscal years 1989 and 1988 is necessary if we are to sustain our achievements in the face of the many challenges that lie ahead of us.

I urge you to support all of our fiscal year 1988 and 1989 budget requests in order to ensure that our citizens' renewed confidence in our School System continues.

I wish to thank you, Senator, and I welcome any questions that you might have at this time.

PREPARED STATEMENT

Senator HARKIN. Thank you very much, Dr. Jenkins. Your complete statement will be made part of the record.

[The statement follows:]

STATEMENT OF ANDREW E. JENKINS III

GOOD AFTERNOON, SENATOR HARKIN AND MEMBERS OF THE SUBCOMMITTEE. FOR THE RECORD, I AM ANDREW JENKINS III, ACTING SUPERINTENDENT OF THE D.C. PUBLIC SCHOOLS. I AM PLEASED TO COME BEFORE YOU TODAY TO PRESENT THE HIGHLIGHTS OF BOTH THE SCHOOL SYSTEM'S FY 1989 BUDGET REQUEST AND THAT PORTION OF THE FY 1988 SUPPLEMENTAL BUDGET REQUEST DESIGNATED TO GO TO THE D.C. PUBLIC SCHOOLS.

BEFORE I DISCUSS THESE BUDGET REQUESTS, HOWEVER, I WOULD LIKE TO TAKE A MOMENT TO SPEAK BRIEFLY OF WHAT THE SCHOOL SYSTEM HAS ACCOMPLISHED DURING THIS FISCAL YEAR. MS. CROPP HAS ALREADY DESCRIBED SOME GENERAL ACHIEVEMENTS TO YOU, BUT I WOULD LIKE TO DISCUSS, MORE SPECIFICALLY, HOW EXACTLY WE HAVE UTILIZED OUR FY 1988 MONIES.

WITH THE CURRENT BUDGET, WE HAVE BEEN ABLE TO COMPLETE ONE STEP OF OUR MOVEMENT TOWARD EARLY EDUCATIONAL INTERVENTION, FOR WE HAVE NOW IMPLEMENTED THE THIRD AND FINAL PHASE OF OUR PLAN TO PROVIDE FULL-DAY PREKINDERGARTEN IN ALL OF OUR ELEMENTARY SCHOOLS. AS OF SEPTEMBER, 1987, ALL-DAY PREKINDERGARTEN PROGRAMS WERE AVAILABLE IN EACH OF OUR ELEMENTARY SCHOOLS. ALSO AT THE ELEMENTARY LEVEL, WE HAVE BEEN ABLE TO LOWER THE PUPIL-TEACHER RATIO TO AN AVERAGE OF TWENTY TO ONE IN ALL OF OUR PREKINDERGARTEN THROUGH SECOND GRADE CLASSROOMS.

ADDITIONALLY, USING OUR FY 1988 APPROVED BUDGET INCREASES, WE HAVE SIMILARLY REDUCED THE SIZES OF OUR SECONDARY MATH AND ENGLISH CLASSES TO AN AVERAGE OF TWENTY STUDENTS PER TEACHER. OUR FY 1988 BUDGET HAS ALSO ENABLED US TO INCREASE THE NUMBER OF TUTORIAL AND ENRICHMENT COURSE OFFERINGS AVAILABLE AT BOTH THE ELEMENTARY AND SECONDARY LEVELS.

MOREOVER, I AM PROUD TO INFORM YOU THAT THE ENTIRE $2 MILLION IN INCREASED FUNDING FOR TEXTBOOKS, WHICH YOU APPROVED LAST YEAR, HAS BEEN EXPENDED, WITH THE NEW BOOKS NOW BEING DELIVERED. IN ADDITION, THANKS TO OUR FY 1988 BUDGET INCREASES, WE ARE FORGING AHEAD WITH OUR LOCAL SCHOOL COMPUTERIZATION EFFORTS, AND ALL OF OUR SCHOOLS CAN NOW ENTER ATTENDANCE DATA ON-LINE TO A CENTRALIZED SITE LOCATED IN EACH REGION. OUR SCHOOLS WILL SOON BE ABLE TO ALSO GENERATE REPORT CARDS AND CLASS SCHEDULES.

FINALLY, I WISH TO POINT OUT THAT, WITH THE ADDITIONAL MONIES WHICH THE CONGRESS ALLOCATED TO THE D.C. PUBLIC SCHOOL FOUNDATION FOR THE ACCORD PROGRAM, THE FOUNDATION IS ABOUT TO INITIATE THIS PROJECT DESIGNED TO PROVIDE THOSE HIGH SCHOOL STUDENTS MOST "AT-RISK" OF DROPPING OUT OF SCHOOL WITH THE SKILLS NECESSARY TO OBTAIN ENTRY-LEVEL EMPLOYMENT. SIMILARLY, USING OTHER FUNDS ADDED TO OUR BUDGET BY THE CONGRESS, THE SCHOOL SYSTEM HAS BEGUN TO WORK WITH REPRESENTATIVES OF CATHOLIC UNIVERSITY TO ESTABLISH THE FEDERAL CITY COMMUNICATIONS CENTER, A STATE-OF-THE-ART COMMUNICATION FACILITY DEDICATED TO THE PRODUCTION OF HIGH QUALLITY EDUCATIONAL AND COMMUNITY SERVICE PROGRAMMING, AS WELL AS AUDIO AND VIDEO TYPES FOCUSING ON THE NEEDS OF THE DISTRICT OF COLUMBIA.

ALL IN ALL, IT IS CLEAR THAT OUR FY 1988 BUDGET HAS ENABLED US TO CONTINUE OUR PROGRESS IN SEVERAL KEY AREAS. STILL, IT IS EQUALLY APPARENT, AS MS. CROPP HAS POINTED OUT, THAT MANY, VERY SERIOUS CHALLENGES REMAIN BEFORE US. FOR THIS REASON, WE ASK THAT YOU SUPPORT, FIRST OF ALL, THAT PART OF THE FY 1988 SUPPLEMENTAL BUDGET REQUEST, IN THE AMOUNT OF $10 MILLION, DESIGNATED TO GO TO THE SCHOOL SYSTEM. OUR RECEIPT OF THESE ADDITIONAL MONIES IS CRUCIAL, AS THESE FUNDS WILL ALLOW US TO FUND PART OF THE NEGOTIATED PAY RAISES THAT WILL MAKE D.C. PUBLIC SCHOOL SALARIES COMPARABLE TO THOSE OF OUR NEIGHBORING JURISDICTIONS WITHOUT SIMULTANEOUSLY CUTTING BACK ON OTHER IMPORTANT INITIATIVES. THE

REMAINDER OF THE MONIES NEEDED TO FINANCE THESE PAY INCREASES WILL HAVE TO BE PROVIDED BY THE MAYOR LATER IN THIS FISCAL YEAR, PURSUANT TO THE AGREEMENT DESCRIBED BY MS. CROPP.

IN ADDITION, WE URGE THAT YOU ALSO SUPPORT THE BOARD OF EDUCATION'S FY 1989 BUDGET REQUEST OF $452.4 MILLION. THIS AMOUNT, WHICH IS $28.8 MILLION, OR 6.4%, HIGHER THAN OUR FY 1988 ADJUSTED BUDGET, REPRESENTS MOST OF THE MONEY THAT WE NEED IF WE ARE TO SUSTAIN THE MANY ACCOMPLISHMENTS THAT WE HAVE ACHIEVED OVER THE PAST FEW YEARS. AS IN THIS FISCAL YEAR, SUPPLEMENTAL FUNDING WILL BE NEEDED IN FY 1989 TO ENABLE US TO PROVIDE NEGOTIATED EMPLOYEE PAY RAISES WHILE ALSO CONTINUING TO OFFER ALL PROGRAMS AND SERVICES CURRENTLY AVAILABLE.

UNFORTUNATELY, UNLESS WE ARE GIVEN VERY SUBSTANTIAL SUPPLEMENTAL FUNDING IN FY 1989, WE WILL NOT BE ABLE TO PROVIDE ANY NEW AND IMPROVED SERVICES DURING THE NEXT FISCAL YEAR. HOWEVER, WITH THE REQUESTED BUDGET INCREASES BEFORE YOU TODAY, WE WILL BE ABLE TO MAINTAIN THE REDUCTIONS IN THE PUPIL-TEACHER RATIO EFFECTED ON THE KINDERGARTEN, FIRST AND SECOND GRADE LEVELS, AS WELL AS IN SECONDARY MATH AND ENGLISH CLASSES, IN FY 1989. THESE ADDITIONAL FUNDS WILL ALSO ALLOW US TO CONTINUE OUR USE OF TECHNOLOGY IN SUPPORT OF LOCAL SCHOOL-BASED MANAGEMENT.

IN ADDITION, THESE PROPOSED BUDGET INCREASES WILL ENABLE OUR SCHOOL SYSTEM TO MAINTAIN AND REFINE THE TUTORIAL PROGRAMS NOW AVAILABLE TO STUDENTS ADVERSELY AFFECTED BY OUR NEW "C" AVERAGE REQUIREMENT OR OUR SECONDARY SCHOOL IMPROVEMENT PLAN, AS WELL AS TO OFFER ALTERNATIVE EDUCATIONAL PROGRAMS FOR STUDENTS WHO HAVE DIFFICULTY FUNCTIONING IN A CONVENTIONAL SCHOOL SETTING. MOREOVER, WITH THESE ADDITIONAL MONIES, WE WILL BE ABLE TO PROMOTE EVEN GREATER PUBLIC INVOLVEMENT IN OUR SCHOOL SYSTEM.

IN CONCLUSION, THE BOARD OF EDUCATION BUDGETS WHICH YOU HAVE APPROVED IN RECENT YEARS HAVE ALLOWED US TO FORGE AHEAD IN MANY AREAS. MORE IMPORTANTLY, YOUR SUPPORT OF THE SCHOOL SYSTEM'S FY 1988 SUPPLEMENTAL AND FY 1989 BUDGET REQUESTS, NOW BEFORE YOU, AS WELL AS OF ALL ADDITIONAL SUPPLEMENTAL BUDGET REQUESTS, PERTAINING TO THE SCHOOL SYSTEM, WHICH COME BEFORE YOU DURING FISCAL YEARS 1988 AND 1989, IS NECESSARY IF WE ARE TO SUSTAIN THESE ACHIEVEMENTS IN THE FACE OF THE MANY CHALLENGES THAT STILL LIE AHEAD US. I ASK THAT YOU ENDORSE ALL REQUESTED INCREASES, BEGINNING WITH THE ONES IN FRONT OF YOU TODAY, SO THAT THE D.C. PUBLIC SCHOOLS CAN CONTINUE TO HELP AT-RISK STUDENTS, TO ENCOURAGE AND REWARD SUPERIOR TEACHING, AND TO OFFER THE WIDE RANGE OF EDUCATIONAL PROGRAMS THAT OUR VERY DIVERSE STUDENT BODY NEEDS AND DESERVES. ALL IN ALL, I URGE YOU TO SUPPORT ALL OF OUR FY 1988 AND 1989 BUDGET REQUESTS IN ORDER TO ENSURE THAT OUR CITIZENS' RENEWED CONFIDENCE IN OUR SCHOOL SYSTEM CONTINUES AND TO DEMONSTRATE CLEARLY TO THE 77% OF OUR CITY'S VOTERS, WHO ENDORSED INITIATIVE 25, THAT FUNDING FOR PUBLIC SCHOOLS HAS BEEN GIVEN THE "HIGHEST PRIORITY" IN THE DISTRICT OF COLUMBIA.

I WISH TO THANK YOU, SENATOR HARKIN AND OTHER MEMBERS OF THE SUBCOMMITTEE, FOR AFFORDING ME THE OPPORTUNITY TO TESTIFY THIS AFTERNOON. I WELCOME ANY QUESTIONS THAT YOU MIGHT HAVE.

DRUG EDUCATION PROGRAMS IN THE SCHOOLS

Senator HARKIN. I just have a few questions. The Mayor was here yesterday, and he talked about a value problem among young people. We were talking about it in terms of the drug problems, and how the federal government might interact with the District of Columbia in attacking this drug problem and setting up some kind of model program. That was reported in the newspaper today. And although I don't have any firm and solid ideas on what, it just seems to me that if we are looking for a model type of a program for a comprehensive attack on the drug problem, I can think of no better place to do it than the District of Columbia.

But he mentioned something about a value problem; he said it was in the context of dealing drugs and the violence that often results that

some of these young people don't care if they die, it's just part of life—and that's just it, if you die, you die. And they are going to deal in drugs and they are going to get their money that way. And he described it as a value problem.

What kind of drug education are you providing in your elementary schools in the District of Columbia that might address this problem?

Dr. JENKINS. Well, first, Senator, we have a very comprehensive drug education curriculum, comprehensive to the extent that it's kindergarten through 12th grade.

In addition to that, we provide staff development for all of our teachers. Also we have very active participants in the "Just Say No" clubs, particularly at the elementary school level. We have an ombudsman minicourse that is offered at the elementary school level which focuses on self-awareness, communications skills, decisionmaking, and problem-solving. At the secondary school level, we have two very good peer-counseling programs—one we call SAND, sports activities, not drugs; we have the Super-Team Program, which utilizes professional athletes serving as role models for our young people, and also serves to engender in them a sense of responsibility.

In addition, we have a substance-abuse mobile that goes from school to school, with particular emphasis at the elementary school level.

We also receive assistance from a variety of other public and private agencies, such as the Drug Enforcement Administration, the Washington Area Council on Alcoholism and Drug Abuse, the Department of Education, and a whole host of others.

HELP FROM OUTSIDE PERSONS AND ORGANIZATIONS

Senator HARKIN. This is not one of the questions I meant to ask, but you caught my attention when you said you were using sports figures.

Dr. JENKINS. Yes, sir.

Senator HARKIN. You are not unique in this, but why do schools always use sports figures as role models? Why sports figures?

Dr. JENKINS. Maybe my answer was not as comprehensive as it should have been, Senator. The sports figure caught my eye also, but we don't limit it to sports figures at all; we utilize a wide range of professionals——

Senator HARKIN. Entertainers?

Dr. JENKINS. Well, yes, entertainers, too, but we do call on businessmen, entrepreneurs——

Senator HARKIN. Businesswomen?

Dr. JENKINS. We use businesswomen, of course.

Ms. CROPP. Senator, we have enjoyed an awful lot of volunteers coming into the School System, working with our young people. You mentioned values and role models. We have been very fortunate to have the Black Men's Forum development in the past 2 years. It's a group of men who came together with the idea to help young people, to serve as role models to them, to interact with them, and hopefully to help them to take a more positive outlook with regard to life.

We have also had other organizations come in and work with our young people, and the number is increasing. It seems as if when they come in, they are tending to come in now in terms of being role models, trying to help our students understand different things that are impacting on their lives, the outside pressures that impact upon them.

And you also asked about values. We certainly feel as if that is an issue that needs to be addressed with our young people, because in many instances we believe that they do not have a clear understanding of basically what's right and what's wrong. I'm not talking about religious values at all, just, for example, if you find a wallet on this floor, what do you do—do you ask someone in the room if it's theirs, or do you just try to keep it and walk out? And in some instances children were not aware of what the right answer was or the right thing to do.

We have a Values Commission that is now in operation. The Values Commission is to bring back a report to the Board of Education as to a program that could be implemented within the school system for our young people across the board, from kindergarten through 12th grade.

Senator HARKIN. Sounds good.

Dr. JENKINS. Just as an aside, Senator, we will be honoring over 24,000 volunteers in our School System this evening at the Dunbar High School. All won't be in attendance, but they will be duly recognized.

AGE AND CONDITION OF SCHOOL BUILDINGS

Senator HARKIN. That's great. Well, I have a couple of others, but I said that I was going to get back to an issue that I raised yesterday, and I knew that you were all going to be here today, and I thought that I might continue the discussion today.

You know, I constantly hear the refrain that the schools in the District of Columbia, public schools, are not as good as the schools in the surrounding jurisdictions—Fairfax County, Montgomery County, Prince George's County. And I have no way of knowing other than, I suppose, I could look at certain statistics of kids who go on to college, achievement level scores, and that kind of thing—and take a look at that.

But looking at the pay level here—and I don't know what the physical plants of the schools are like, I don't know what their ages are—are they old?

Ms. CROPP. Most of our schools are 50 years or older. When you think of the surrounding metropolitan area, most of their schools are newer than ours.

Senator HARKIN. Within the last 20 years.

Ms. CROPP. That's right, exactly. And most of ours are 50 or 75 years in age. Every roof starts leaking at the same time, every window starts to fall out at the same time.

Senator HARKIN. You see, that has something to do with values, too. You see, if young people see their adults saying that the schools aren't worth fixing up, and the teachers' salaries are lower, then we as a

society have given them a value—maybe subconsciously, we haven't spoken about it, but they understand the value.

Ms. CROPP. They understand it clearly.

NEED FOR A RECIPROCAL INCOME TAX

Senator HARKIN. They understand it very clearly. And, you know, regardless of whether people live in Virginia or Maryland, we are all wrapped up in this metropolitan area. And I pointed out yesterday that there are, to the best of my information, 47 jurisdictions in the United States, urban areas, that levy a reciprocal income tax on people that work in that urban area but may live outside the jurisdiction of that city. And we all know about New York City and others, but there are a lot of them like that.

And it just seems to me that this is a good case in point with education right here.

Ms. CROPP. Yes.

Senator HARKIN. That people come into the city from outlying jurisdictions, they use services here, they rely upon police protection, fire protection, all the other amenities. And not only that during the workday, but chances are they come back in the evening for entertainment or whatever else it might be—weekends, things like that.

And, again, when people partake of those services, it seems to me there is a responsibility also to that jurisdiction. And if nothing else, the needs of the Board of Education in the District of Columbia I think would argue that people who utilize this city, who may not live in the District of Columbia, have some obligation to the education of the young people in this city. And I don't think that's farfetched to say that. Obviously they have a responsibility to education in their own jurisdictions—I'm not denying that. But where maybe a third of their lives—maybe even more, maybe as much as 40 percent of their lives—is spent in the District of Columbia. Where there are no barriers to the movement of people, where a young person growing up in the District, ill-educated, can move to Virginia, can move to Maryland—there are no barriers to that—that I think it argues for this metropolitan area to become concerned about equity and fairness in the tax base.

That's what I was talking about yesterday. I wanted to say that again today specifically as it pertains to education in the District of Columbia.

I believe again that that also argues that a reciprocal type of tax—people pay fairly for the amount of time and services they use in the metropolitan area—is levied.

I was told I was going to hear a big firestorm about this. Well, I haven't seen it yet. It may come, but I intend to push ahead on this, because I just think it's fair, and I think it's equitable. I am going to highlight the education of our young people in the District as a crying need, the refurbishment of the physical facilities, the need to get the pay up equitably with other jurisdictions, I think extend beyond just the borders of the District of Columbia.

One person who talked to me on the phone said, well, you know, the District of Columbia—the entire United States benefits from that, so everybody ought to pay, it's the federal government, everybody in the United States ought to pay.

I think that's true, to a certain extent. I think that perhaps a much better federal payment, based upon a formula, is called for—I've called-for that, I think we ought to reexamine that.

But I also believe that the people who live in our outlying jurisdictions also benefit from the federal government being here. When I see all of the building activity going on in Virginia, I have to ask a question: Would that be taking place if the seat of the federal government was located in Kansas City, MO, or in Richmond, VA, or Syracuse, NY? No; it's taking place because the federal government is here. The same is true out in Maryland, as well.

Those jurisdictions are benefiting from increased tax revenues and in every other facet of life, from the fact that the seat of the federal government is located within the District of Columbia.

So I think those jurisdictions ought to also be thinking about the fairness and equity that's involved in what I talked about yesterday.

I particularly wanted to focus on the educational system. Education is a local matter, but how do you define "local"? I believe that there need to be new sources of revenue for the District of Columbia, and the fairest would be to have a reciprocal tax. I didn't mean to take your time on that; but I wanted to talk about it——

Ms. CROPP. Please, take our time on that—take more time on that, not only here but outside, Senator. Let me know what I can do to help you.

Senator HARKIN. I'm going to push ahead on it—thank you—and just see where it goes.

[Pause.]

LENGTH OF DESIGNATED SUPERINTENDENT

Senator HARKIN. Dr. Jenkins, this is your first appearance before the subcommittee, and I guess anywhere as superintendent—or as designated superintendent. When does it become official, if it's only designated?

Dr. JENKINS. When the contract is signed. I expect to sign a contract in the very near future.

TENURE OF SUPERINTENDENT-DESIGNATE IN SCHOOL SYSTEM

Senator HARKIN. Now, you've been involved in the District of Columbia public schools for——

Dr. JENKINS. Twenty-seven years.

Senator HARKIN. Twenty-seven years.

Dr. JENKINS. Yes, sir.

PRIORITIES OF SUPERINTENDENT-DESIGNATE

Senator HARKIN. Briefly, what are your priorities?

Dr. JENKINS. My priorities are, one, academic excellence—improvement of instruction; accountability for everybody in the school system, inclusive of teachers; attendance and truancy; reducing the dropout rate; improving our parental involvement; attracting, recruiting and retaining quality teachers. Those are just to start.

MONTESSORI PROGRAM IN SCHOOLS

Senator HARKIN. Last year I discussed with Dr. McKenzie an area of interest of mine in the Montessori method, and she informed me that there were some schools--the programs at Burroughs and Fort Lincoln Elementary Schools.

Dr. JENKINS. Yes, sir.

Senator HARKIN. She quoted that studies had indicated that kids who had gone through those programs did not do significantly better than kids going through the regular system. I responded to her by saying, well, I just wonder—to my way of thinking, Montessori really is something that is a methodology of teaching that should begin even in preschool. Now, you have the prekindergarten program at every school.

Dr. JENKINS. Full day, that's correct.

Senator HARKIN. Full day. Have you expanded any of these Montessori programs to those preschools?

Dr. JENKINS. We have not at this point; we still have them only in the Burroughs and Fort Lincoln Schools.

PREKINDERGARTEN PROGRAM

Senator HARKIN. When you talk about prekindergarten, is that just 4-year-olds?

Dr. JENKINS. Basically yes; it is for 4-year-olds.

Senator HARKIN. It could be earlier than 4 years old?

Dr. JENKINS. No; it's 4-year-olds. We do operate the Head Start Program, which is not the same as prekindergarten, and they take younger children.

Senator HARKIN. Do you have any plans to test the Montessori program that you have at Burroughs and Fort Lincoln, in some of the preschool, prekindergarten programs?

Dr. JENKINS. I've thought about it. I haven't formulated any definite ideas yet. I think that we are going to have a few communities that are going to make that request.

Senator HARKIN. I hope so—and I've thought a lot about that. I've looked very hard at the Montessori method, and I would like to see it perhaps tested and tried in preschool programs within the public school system.

Dr. JENKINS. I've spoken to at least two school communities that want to make an effort to try it.

Senator HARKIN. I'd be interested in knowing about it later on, if you do it.

Dr. JENKINS. Certainly.

DRUG PROBLEMS IN THE SCHOOLS

Senator HARKIN. What's the drug problem like in the schools?

Dr. JENKINS. The schools are a microcosm of the overall community and city. I will not say that we have a heavy and immense drug problem, but I know it's there. I don't want to understate the issue, even though we do a very adequate job of monitoring the situation in the school buildings. We have security aides in all of our high schools and junior high schools, and some elementary schools. We work collaboratively with the Metropolitan Police Department in the provision of short-beat officers—those are the officers responsible for having a beat in a cluster of schools. Last, we have undercover agents in just about all of our senior high schools. We will probably be hearing shortly of some drug arrests at the senior high school level.

I will not say that our drug problem has disappeared. It has abated slightly, to our knowledge, but we know it's still there, and it's a very significant problem.

ANTISMOKING PROGRAMS IN THE SCHOOL SYSTEM

Senator HARKIN. In 1984 the RAND Corp. concluded that one of the best strategies in preventing future drug abuse was to have an effective no-smoking program in schools. What do you have in the District schools?

Dr. JENKINS. We have a curriculum effort and campaign that promotes antismoking. Students are not provided with a lounge area in which to smoke, and we monitor the situation very carefully.

I think the curricular effort, with the attendant emphasis on the health issues, is very important—and we do that.

PROGRAM REDUCTIONS IN FISCAL YEAR 1989

Senator HARKIN. Dr. Jenkins, I'm reading from the Washington Post article from the paper yesterday, talking about your appointment as superintendent of the D.C. schools, and it said that:

> He takes over a school system in immediate financial trouble. The District schools face a deficit of between $3.5 million and $7.8 million, even after a series of cost cuts announced this spring. Also the Board must close a gap of about $45 million in its proposed budget for next year. Jenkins has said he will announce new budget cuts in early June.

What can you cut?

Dr. JENKINS. We don't have much left to cut. But we are making some preliminary measures in the event that we have to make some fiscal year 1989 cuts. We'll have to look seriously at cutting programs. And I don't want to dwell on this, but we will have to look at cutting those nonmandatory programs first. We are preparing a series of contingency strategies in the event that has to happen.

Senator HARKIN. I don't know if I caught all of that.

Dr. JENKINS. To be very simplistic, in fiscal year 1989, we will need approximately $13 million in additional funding just for programs, and if we don't get the money we are going to have to make some program cuts.

Senator HARKIN. Now, the budget you have asked for here, the amount of appropriations, $452 million—does that take care of that $13 million?

Dr. JENKINS. No, sir.

Senator HARKIN. But you told me in your testimony that you support the $452.4 million budget.

NEED FOR SUPPLEMENTAL FUNDING IN FISCAL YEARS 1988 AND 1989

Dr. JENKINS. What I didn't say was that, while I support that budget, I support it with the very clear understanding that I hope that the Mayor and the City Council will come forth with supplemental appropriations for both of these years. And that is definitely needed. There is no way that we can escape cutting the programs if we don't have those very significant supplementals.

Ms. CROPP. Senator, you get to a point in your educational program where you can cut, and you wonder whether or not you become effective. The Board of Education actually wrestled with that in conjunction with the Superintendent for the 1988 program and felt that we had reached that point. We cut our summer school program for this year down to bare bones, where we only have remediation programs. In the past we have had programs to help move students along. We had to cut that out.

We got to the point where we had to talk about furloughing our employees, because you can cut so much and then you become ineffective.

We got the second memorandum of understanding with the Mayor, and that will enable us not to furlough our employees, and that will help us to limp through, using canes or wheelchairs, to get to October 1.

But that does not negate the reality that when we start into fiscal year 1989 we will be in terrible shape with regard to our School System. We must have some type of supplemental budget to our request of $452.4 million in order for us to move ahead.

This budget will not continue our reduced pupil-teacher ratio, it will not enable us to put in any new program; it will basically enable us to keep the status quo. We talked a little earlier about the shape of our school buildings. We have already cut out moneys that were designed to help us to maintain our buildings, let alone just put them in shape. We are suffering now with bad roofs we are trying to fix; we are suffering with windows that are falling out that we are trying to fix. By next year all of our plumbing is going to go at the same time, too. So that's going to be another problem that we are going to face.

This is the amount that we are requesting at this time.

We are very clear that this will not help us move forward in the direction that we want, but it will keep the School System afloat.

SUBMITTED QUESTIONS

Senator HARKIN. That's rather depressing. Do you have anything else you want to add? I appreciate your coming up. I have no other questions. We will submit some for you to answer in writing.

[The following questions were not asked at the hearing but were submitted for response for the record:]

Questions Submitted by Senator Harkin

Board of Education

SENATOR HARKIN:
1. The School Board has been studying the possibility of adopting a dress code or requiring that all students wear uniforms. To date, where does that study stand? Will the uniform or dress code be implemented for the next school term?

DR. JENKINS:
1. The student representative to the Board of Education is coordinating a survey about a dress code or uniform for students attending D.C. Public Schools. Surveys are due from the schools Friday, June 10. Results of the survey will be made available to the Superintendent by June 30. The PTA, community representatives and the principal of Burrville Elementary school elected to choose uniforms for students. Other schools, along with PTA's are considering such an action.

SENATOR HARKIN:
2. How many schools presently house infant care centers? Do you have statistics on how productive all of these centers are? Since these centers have been in existence, how many teenage mothers continued and completed their high school education especially the young mothers that were still in junior high school?

DR. JENKINS:
2. Three of our schools, Hart Junior High School, Cardozo and Dunbar Sr. High Schools, have infant care centers. Two additional schools, Spingarn and Ballou Sr. High Schools are expected to have infant care centers by the opening of school this fall. Our statistics revealed that 113 students participated in the infant care program and fifty were graduated.

SENATOR HARKIN:
3. There are a few schools or programs within the schools for what was stated as a gifted program for students. How is that program working? Is there a significant difference in the children enrolled in the TAG programs than the children in the regular school programs.

DR. JENKINS:
3. The Gifted/Talented Education Program is presently providing direct funding and technical assistance to school projects that have adopted the Ideal Practical Basic Model. The Ideal Practical Basic Model is a multi-level hierarchical guide for developing exemplary gifted/talented program components. Some projects have the instructional focus on the visual and/or performing arts; the majority of the projects embrace the academic/creative talents of students. Projects have been encouraged to focus on a heavy utilization of community resources to broaden and strengthen the experience of gifted/talented students. This concept focuses attention on the integration of community resources with the

curriculum. This integrated interdisciplinary approach includes student internships, community mentors, parental involvement, field trips, and work experiences with social organizations that extend and expand educational experiences to real problem-solving situations. Computer literacy is encouraged to enhance the students' learning.Each academic project provides 150 minutes of differentiated instruction at least twice a week in the core areas of mathematics and language arts. However, some projects have extended their instruction to include science, social studies, and other disciplines such as music, art, and media production.

Based on the unique needs and resources of the school, various options exist for implementing gifted education projects within the local school. Basic prototypes are: (a) integrated cluster grouping, (b) pull-out classes for enrichment, (c) acceleration, (d) multi-age/level grouping, (e) independent study projects, (f) classes for the gifted, and (g) community mentors.

Identification is accomplished by the use of multiple criteria such as achievement tests, aptitude tests, teacher nominations, peer nominations, parent nominations, student products, measures of creativity, records of past performance, and other validated predictive nondiscriminatory measures. This information is put on the Baldwin Identification Matrix and the top 10% per grade level is offered this additional service with parental consent.

There is a significant difference in the children enrolled in the gifted/talented program than the children in the regular school programs. According to responses to a study that is being conducted by Quality Assurance, participants in the program set the tone of the school. The gifted program has a positive effect even on the non gifted/talented students in the school and the leaders of the school all tend to come from this population. Because of the program at a school, it is now "Cool to be smart."

Eligibility for the program is determined by procedures involving persons from at least two of the following groups: administrators, parents, students, teachers, counselors, psychometrists, or others who are familiar with the aptitude and potential of students.

SENATOR HARKIN:
4. How many students do you have enrolled in these special programs?

DR. JENKINS:
4. There are approximately 4,731 students enrolled in the Gifted/Talented Education Program - for SY 87-88 (3,955 - gifted/talented - 776 - advanced placement).

SENATOR HARKIN:
5. How many special programs do you have implemented at this time?

DR. JENKINS:
5. There are 126 Gifted/Talented Education Programs for SY 87-88 (113 gifted/talented programs - 13 advanced placement programs).

SENATOR HARKIN:
6. What programs do you have in the school system for the handicapped?

DR. JENKINS:
6. The programs are listed below.

Central Diagnostic Placement Center - Assessment and placement of students in citywide public and private facilities.

Sharpe Health School - Full time students that are profoundly and physically impaired.

Mamie D. Lee - Severely and profoundly multiple mentally retarded students.

Prospect Learning Center - Students with severe learning disabilities ages 3-12.

Buchanan Secondary Learning Center - Severely learning disabled students ages 12-22.

PACE (Gibbs Elementary) - Severely emotionally disturbed children ages 3-12.

Bundy Program (Hamilton Junior High School) - Severely emotionally disturbed ages 12-22.

Tyler Vision Program - Severely visually and blind children.

Grimke Program (Terrell Junior High School) - For trainable retarded students, ages 12-22.

Woodridge Communication Disorders Program - For children with severe communication disorders.

SENATOR HARKIN:
7. Are these programs adequate for these special students?

DR. JENKINS:
7. The programs are adequate except for approximately 30-40 autistic children whom we have identified. In addition, we have been advised that the Hospital for Sick Children will be closing and 21 children with major health impairments will have to be placed in our schools. Additional resources are needed.

SENATOR HARKIN:
8. Has the dropout rate for junior high and high school students increased or decreased over the past 3 years?

DR. JENKINS:
8. We do not keep statistics for junior high schools. However, the statistics for senior high schools are listed below.

SY 1985 16.1%

SY 1986 15.4%

SY 1987 13.5%

SENATOR HARKIN:
9. With the additional input for the schools in the District, has the SAT scores increased over the past 3 years?

DR. JENKINS:
9. The information is provided on the following chart.

MEAN SAT SCORES, 1985-1987
DISTRICT OF COLUMBIA PUBLIC SCHOOL SENIORS

Year	Verbal Mean Score		Mathematics Mean Score	
	National	D.C. Public Schools	National	D.C. Public Schools
1984-85	431	333	475	361
1985-86	431	337	475	367
1986-87	431	343	475	370

SUBCOMMITTEE RECESS

Senator HARKIN. Thank you very much, and good luck.
Dr. JENKINS. Thank you, I'll need the help.
Senator HARKIN. You've got a tough job.
Ms. CROPP. Thank you, Senator.
Senator HARKIN. Thank you, we will do what we can to help.
The subcommittee will stand adjourned until the call of the Chair.
[Whereupon, at 4:04 p.m., Thursday, May 26, the subcommittee was recessed, to reconvene at 10:15 a.m., Tuesday, June 28.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1989

TUESDAY, JUNE 28, 1988

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:15 a.m., in room SD–138, Dirksen Senate Office Building, Hon. Tom Harkin (chairman) presiding.

Present: Senators Harkin and Specter.

DISTRICT OF COLUMBIA

DEPARTMENT OF CORRECTIONS

STATEMENT OF HALLEM H. WILLIAMS, JR., DIRECTOR

ACCOMPANIED BY:
GWYNNE H. WASHINGTON, ASSISTANT DIRECTOR, EDUCATIONAL, INDUSTRIAL, AND AGRICULTURAL SERVICES
KATHLEEN BYRNES, BUDGET OFFICER

OPENING REMARKS

Senator HARKIN. The District of Columbia Appropriations Subcommittee will come to order.

The subcommittee today meets to hear testimony on the status of the Department of Corrections education and vocation programs. Since fiscal year 1984, the Congress has provided more than $40 million to expand and enhance these programs in the District corrections system. This hearing will bring us up to date on the progress to now.

This hearing was requested by Senator Arlen Specter, and I understand that he is on his way soon.

Our first witness today is Mr. Hal Williams, Director of the District's Department of Corrections. Mr. Williams, we will make your prepared statement a part of the record and hear any remarks that you wish to make.

I welcome you again to the subcommittee, and just ask you to please proceed as you desire.

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OPENING REMARKS OF DIRECTOR OF DEPARTMENT OF CORRECTIONS

Mr. WILLIAMS. Thank you, Mr. Chairman. I would happily make this statement that we have forwarded to you a part of the record. So I will not go through a verbatim reading of it.

I would like to, Mr. Chairman, acknowledge the presence with me this morning of Mrs. G.H. Washington, the Assistant Director for Educational, Industrial and Agricultural Services—a mouthful—within the Department of Corrections. In addition, we have staff present.

I would like simply to say, Mr. Chairman, that the materials that we have forwarded and the statement which has been prepared, I think, attest to the fact that significant progress has been made with respect to the implementation of this very important program. We are very appreciative of the leadership of this committee, and particularly of Senator Specter, for having cajoled, prodded, assisted, overseen the implementation of this initiative.

The educational program we feel is of vital importance to the mission that we seek to perform within the Department of Corrections; namely, to create an environment which is conducive to the rehabilitative process. We obviously have some very serious problems within the Department of Corrections with respect to population. And in many respects, mobilization of a program such as this, in the face of a burgeoning prison population, is a considerable challenge.

We know we are up to that challenge. Our enrollment statistics suggest that we have met that challenge. We have, I think, made considerable progress. We have decentralized the program consistent with the wishes of this committee. We have established mandatory adult basic education for certain categories of offenders, particularly those who test below the eighth grade level for one of the three tests administered under the Stanford Aptitude Test.

We have implemented a comprehensive and aggressive staff development program which has led, we think, to a revitalized, more professional staff, a staff which is better able to address the priority programs that we have put before them.

Our effort for the future would be to move forward for accreditation to make sure that our course offerings are expanded and that our vocational offerings are consistent with the ever-changing job market. To that end, we are working very closely with the D.C. Department of Employment Services, the Private Industry Council, and the public and private sector employers within this metropolitan area because we feel very strongly about the fact that it does us no good to falsely raise the aspirations of the inmate population and not be able to fulfill them when they are released from the institution.

We have a long way to go with respect to creating an environment within the community which is receptive to the return of these individuals. They do suffer from some very considerable academic deficits. They have motivational problems. So I cannot sit here in all honesty and say that 100 percent of the inmates within our institutions are highly motivated students. The percentage is changing. We are

making a concerted effort to see to it that more and more of the inmates avail themselves of the services and programs that are available to them. And we are optimistic that we will continue to show progress.

Also, the Mayor is extremely serious about this program, and we are appreciative of the special appropriations that had been awarded to the city since fiscal year 1984. The District has, I am proud to say, fully assumed the cost of this program, and the maintenance of effort is borne out in the fiscal picture in the budgets that have been set aside for this program.

Mr. Chairman, the Department has implemented a number of policies and procedures which have the effect of codifying the priorities, the programs, the thrusts which we feel are very important. We have included an illustrative set of those in your briefing materials. We have included program statistics as well as a fiscal summary.

So at this point, I will not go on with much more in terms of my statement, except to reiterate our appreciation for the leadership of this committee. And we do feel that with the hard work and diligence of our staff that we do have a model educational program which is suitable for replication across this country.

Thank you very much.

PREPARED STATEMENT

Senator HARKIN. Thank you, Mr. Williams. We have your complete statement and it will be made part of the record.

[The statement follows:]

STATEMENT OF HALLEM H. WILLIAMS, JR

Good morning, Mr. Chairman and members of the Subcommittee on the District of Columbia of the Senate Appropriations Committee. It is a pleasure for me to have the opportunity to provide an overview of the educational, training and job placement programs which have been implemented in the D.C. Department of Corrections. As you know, through the leadership and support of a member of this committee, Senator Arlen Specter, the D.C. Department of Corrections was given a mandate to develop a comprehensive program that would serve as a national model for correctional education. In accepting that challenge, we focused on these six goals:

1. To provide a range of educational opportunities for residents of our institutions through an expanded educational system.
2. To provide programs which will enable the residents to acquire the knowledge, skills and self-discipline to become productive members of society.
3. To enable residents to enter the job market through satisfactory completion of skill development programs.
4. To help residents communicate effectively with other members of society through special programs in the arts.
5. To expand the instructional skills and strategies of current and newly appointed staff through staff development opportunities.
6. To develop and disseminate strategies for a national model of correctional educational reform.

In March 1984, the Department of Corrections implemented an expanded educational program to achieve these goals, focusing particularly on confronting the serious deficiencies that have left many of our residents functionally illiterate and without marketable job skills. We have made significant progress despite the pressure of unrelenting population growth and the severe constraints caused by chronic overcrowding in our facilities. We have attempted to create a total service delivery system that gives

residents the opportunity to become literate, develop marketable skills, and function in the job market. Our vocational and technical development program is designed to prepare residents for more meaningful and productive lives through skill development and job placement services.

Let me take a few minutes to highlight some of our major accomplishments.

1. We have decentralized the day-to-day operation of our educational programs to ensure that each institution is equipped to meet the special needs of its residents. Facility administrators now oversee daily operation of their academic schools and supervise the principals and staff assigned to the institutions. The administrators work closely with the assistant director for educational, industrial, and agricultural services, who is responsible for program content and quality, educational policies and procedures, annual program evaluation using measurable objectives and standards, central recordkeeping using an automated management information system, and staff recruitment and development. This approach brings the programs closer to the residents and ensures accountability in the institutions, while still providing central program leadership and quality control.
2. We have established and implemented a mandatory adult basic education program for all residents who test below the eighth grade level in reading, mathematics, and English on the intermediate battery II of the Stanford Achievement Test. These residents are required to attend school for a minimum of 120 calendar days. The eighth grade level is consistent with the definition of basic literacy used by the Department of Education and state education agencies.
3. We have implemented a comprehensive and aggressive staff development program that has had a significant impact on the professionalism, morale, and performance of our educational staff. This program includes regular workshops, seminars, advanced graduate and post graduate studies, an annual teachers' conference for staff from all facilities, and active involvement in professional associations. The department recently hosted the Region II Conference of the Correctional Education Association and a member of our staff is the incoming director of the Region II Correctional Education Association.

Among our other program activities are a systemwide special education assessment and instructional program that is in compliance with Public Law 94–142 and section 504 of the Rehabilitation Act which provides special services to learning disabled residents, a compensatory education program for all eligible residents under age 21 through the Chapter I Program of the Education Consolidation and Improvement Act of 1981, a physical education program, and a lifeskills program. We have also continued the General Education Development [GED] Program.

We have seen steady annual growth in the academic area. Enrollment has increased by 48 percent from an average daily enrollment of 1,607 in 1984 to 2,371 at the end of March 1988. This increase can be attributed to implementation of an individualized, competency-based curriculum, increased use of computer-assisted instruction, our open entry/open exit procedures, standardization of academic programs among facilities which allows residents who are transferred to continue their programming, and implementation of the "Good Time Credits Act of 1986" which permits reductions in time to be served for residents who complete academic and vocational programs.

We have continued to develop expanded vocational, technical, and apprenticeship training programs. Unfortunately, we have had difficulty maintaining a qualified work force because our pay scale for experienced, tradesmen cannot compete with private industry pay scales. To deal with this obstacle, we have contracted with Northern Virginia Community College, the University of the District of Columbia, and the Metro-Study Foundation, to provide vocational training and skill development.

There has been a steady increase in vocational/apprenticeship enrollments from an average daily enrollment of 419 in 1984 to an average of 833 enrollments at end of March 1988, a 99-percent enrollment increase. We are also beginning to see steady increases in vocational completions, and we are pleased to have the first apprenticeship completions taking place this quarter. Most apprentice trades require an average of 3 years of on-the-job training and classroom instruction.

We have also combined management responsibility for educational and prison industries programs under one assistant director to provide strong linkages that will strengthen both programs.

In response to the interest of this committee and the needs of our residents, we have focused increasing attention on developing a coordinated job placement program to provide residents with a better chance at success when they leave the institutions. It is obvious that decrease in functional illiteracy will increase the possibility of successful employment. However, we have found that success in the job market hinges on more than reading ability or a marketable skill. To help residents meet the challenges of surviving in a job market where they may have failed before, we have implemented the Employment Techniques, Awareness and Preparation Program [ETAP] which provides job readiness and employment training to residents shortly before release. Participants in the program participate in interviews and in some cases, are placed in jobs before release.

We have developed a followup reporting system to monitor successful job placements more effectively and examine the link between training programs and successful placements. Since the beginning of fiscal year 1988, 471 residents have been placed in jobs of which 23 were directly related to skills developed in the institutions.

In order to create stronger connections between our programs and emerging job trends, the department successfully hosted the first in what will be a series of job fairs for potential employers. The response from private industry to this program was outstanding, and we have been approached by several businesses who want to participate in our next fair, which will be held in September. We will provide detailed statistics on job placements in our quarterly reports to this committee.

I want to conclude by reaffirming the department's commitment to creating an environment in our institutions where residents have meaningful opportunities to learn new skills, begin to compensate for the severe deficiencies in academic and vocational development throughout their lives, and choose to return to society as productive individuals. We have made considerable progress toward accomplishing our goals, and I am confident we will continue to expand our programs and services despite the constraints we face every day.

I would be happy to answer any questions you may have. Thank you.

RELATIONSHIP OF JOB TRAINING PROGRAMS TO JOB MARKET

Senator HARKIN. Thank you, Mr. Williams. Just a couple of questions. Your testimony stated that 23 of the 471 people placed in jobs since October were in areas directly related to skills acquired while in jail. That is less than 5 percent.

Are you looking at the relevance of the job training program as it relates to the D.C. job market?

Mr. WILLIAMS. Well, Senator, in attempting to word that, perhaps we did not use the best of words. What we are saying is that it is hard to correlate academic preparation with a specific job. So that if my need was for adult basic education and I went through a math training program, a reading training program, it is hard for me to say that being placed in a computer repair setting had a direct relationship to my academic training.

We do, however, know that if it were not for the discipline, the preparation, the preemployment counseling and development that none of those, or possibly very few of those 470 persons would have been placed. We can tie directly drywall involvement with placement in a contracting firm which handles drywall. So it is very difficult to correlate academic preparation directly with the employment placement.

Senator HARKIN. So what you are saying is that the 23 were in areas directly related to skills acquired while in jail. You are saying there are a lot of others that perhaps learned some other things that may have helped them get a job.

Mr. WILLIAMS. Sure.

Senator HARKIN. It was not directly related to a certain skill.

Now, of those 23, what kind of skills would those be? Give me some idea.

Mr. WILLIAMS. I will ask Mrs. Washington if she might address that.

Mrs. WASHINGTON. Most of them were in the building trades area or in the apprenticeship program dealing with food service.

Senator HARKIN. So building trades, like what? Masonry?

Mrs. WASHINGTON. Carpentry, masonry, yes, drywall. Those areas, yes.

Senator HARKIN. And then the other were food service?

Mrs. WASHINGTON. Yes; we have an extensive apprenticeship program in food service and just recently had one of our persons hired in a very illustrious hotel in this area. That has been one of the better programs in the department over the years, even prior to this initiative.

DIFFICULTY IN HIRING AND RETAINING STAFF

Senator HARKIN. Is the inability to hire staff restricting the training that you are able to do?

Mr. WILLIAMS. Senator, we have experienced a problem, particularly in the vocational area, with being able to successfully recruit and retain staff because of our inability to compete with the private sector. The answer to your question is yes, it has had a negative impact.

We have, we think, mobilized a strategy to address that. And one thing that we are happy to announce is that we have entered into a formal arrangement with the University of the District of Columbia under which the university's faculty would be utilized to offer the instruction in some of these vocational areas where we have been having a problem. So we are optimistic that we will have solved that problem through the use of the university system.

EDUCATIONAL PROGRAM AS MODEL FOR OTHER CITIES' PROGRAMS

Senator HARKIN. Do you think this could be a model for other correctional education programs? Have you taken any steps to disseminate your experience in this?

Mr. WILLIAMS. We have. We do think it can be and is a model for other correctional systems.

Our staff has been increasingly active in the Correctional Education Association and in other professional groups. And through those discussions and through working with Mrs. Washington's colleagues around the country, we have been sharing our progress. We have also been sharing some of our frustrations, because this program has, in a lot of respects, taxed the bureaucracy's ability to deliver. But we are proud of where we are now.

CONSTRUCTION OF EDUCATIONAL FACILITIES

Senator HARKIN. In April 1988, in responding to my inquiry on the completion of the construction related to these programs, in that response you stated that the building at Occoquan II would be com-

pleted by April 1988 and that the entire project would be done by April 1989. Have you been able to adhere to that schedule?

Mr. WILLIAMS. I am sorry, Senator. Your question is about the construction of the facilities?

Senator HARKIN. Yes.

Mr. WILLIAMS. The Department of Public Works manages the construction process. The Occoquan facility has been completed, and to my knowledge, the rest of the schedule is on line, and is being met.

Senator HARKIN. OK. GAO recommended, and the Mayor agreed, that an independent assessment of the operational improvements instituted to prevent the type of problems that plagued the implementation of this construction program should be undertaken once sufficient time had passed to make such an evaluation. In other words, an independent assessment of the operational improvements to prevent the type of problems that plagued the Capital construction program.

Have you had enough experience with the new procedures to make this assessment yet, or do you need more time?

Mr. WILLIAMS. Again, Senator, the Department of Public Works is the agency which handles the construction for us. My understanding is that Mr. Touchstone and his staff have engaged in discussions about having an independent assessment. They had retained a contractor whose specific responsibility is to monitor the capital program for the Department of Corrections.

So the answer is I believe that an independent assessment is proceeding, but that is something that happens within the Department of Public Works.

Senator HARKIN. Thank you.

Mr. Williams and Mrs. Washington, thank you very much for coming. Thanks for your testimony. We want to make it a part of the record just so we can keep track on this.

Senator Specter was very interested, I know. Obviously, he has been unavoidably detained.

I am going to adjourn the hearing. I will leave the record open for written questions from any member of the subcommittee. I also would ask that you might, if you could, make yourself available perhaps at a time mutually convenient for you and Senator Specter. Maybe the two of you could meet with him in his office.

Mr. WILLIAMS. Certainly. I would be happy to do that.

Senator HARKIN. Why don't you work that out with his staff, as I say, at a time mutually convenient.

Mr. WILLIAMS. OK. Thank you, Senator.

Senator HARKIN. Thank you very much. The subcommittee will stand adjourned.

[A brief recess was taken.]

OPENING REMARKS OF SENATOR SPECTER

Senator SPECTER [presiding]. The hearing of the D.C. Subcommittee will be reconvened at this moment. I just discussed the issue with the chairman, Senator Harkin, in the hallway. I regret that I had not been here when the hearing started at 10 o'clock. But on the floor at the present time is the plant-closing bill, and I was involved in an amendment on the floor since 10 o'clock, or I would have been here. And I had sent word, which apparently did not reach this committee hearing, that I was detained there. So I am glad that I arrived before any of the witnesses has dispersed.

Mr. Leeth, it is my understanding that all those who had been here are here?

Mr. LEETH. That is correct.

Senator SPECTER. OK. By way of a very brief opening statement, the purpose of this hearing is to determine the status of the rehabilitation programs in the District of Columbia jails. I had requested the chairman, Senator Harkin, to convene the hearing, and he had graciously consented to do so. Of course, my special interest in this program is well known because I was chairman of the subcommittee during the 98th and 99th Congresses, at a time when this program was put into effect.

I have said on the record on many occasions, but it is important enough to repeat here briefly this morning, that at least in my judgment this is an extraordinarily important program because it seeks to set a program which will give training so that we do not have a release of people who are functional illiterates without a job or a skill going back into the community where, to no one's surprise, there is the revolving door, and those individuals get back in the crime cycle and end up back in jail.

While we have to be strong on sentencing where you have career criminals, if you have first offenders, some second offenders, where realistically we may rehabilitate them, that we ought to do so. And in putting up the very substantial sums of money in the past, it was done with an effort to make the District of Columbia a model program so that we could test this program for use on a national basis.

It continues to be my hope that this will be the result. The purpose of this hearing is to get an update for the subcommittee, the full committee, the Senate and the Congress on what is happening in the D.C. prisons at the present time.

I do not know how far you got before, Mr. Williams, but I would appreciate it if you would at this time summarize for me precisely what has happened with this program.

UPDATE OF EDUCATIONAL/VOCATIONAL PROGRAM

Mr. WILLIAMS. Sure. It is always good to see you, Senator Specter.

I specifically in my prepared statement wanted to, and did, in fact, acknowledge your leadership. As a matter of fact, I believe I used the words that you had led, cajoled, assisted, and overseen the development

of this initiative. And we share your position. The Mayor shares your position that this is a very, very important program with very significant implications, not only for the District of Columbia, but also for the nation. Against that backdrop, we take implementing this program very seriously.

We have, I think, made considerable progress since fiscal year 1984. Our average daily enrollments are up considerably over 48 percent. In the adult basic education area, we have a 205-percent increase in enrollment. We have a 74-percent increase in the average daily vocational and apprenticeship program enrollment.

We have, Senator, focused a lot of attention on some of the administrative difficulties that we had encountered through the implementation of the program. In particular, you had expressed a very genuine interest in making sure that the educational and vocational training programs were mainstreamed into the operation of the institution. We have done that.

We have decentralized the day-to-day management of the educational program such that the principals within the institution report to the institutional administrator or his or her designee. Mrs. Washington and her staff at the Assistant Director level maintain quality control, oversight, and consistency in programming.

We have implemented orders that all individuals who test below the eighth grade level on the Stanford Achievement Test are required to enroll in adult basic education for at least 120 days.

We have implemented a vigorous program—which is being tested now, quite frankly, by our overcrowded condition—which says that all inmates in our institutions will either work in nonindustrial jobs, in industrial jobs, or go to school. That is our assault on resident idleness.

We have increasingly focused on the preparation of our staff, the professional development and growth of our staff, making sure that we are on the cutting edge nationally in terms of changing practices with respect to delivery of educational programs.

TOTAL FUNDING FOR EDUCATIONAL/VOCATIONAL PROGRAM

Senator SPECTER. Mr. Williams, if I might interrupt you, I would like to focus on the total funding at the outset.

According to the information which I have before me—and I would like your confirmation on it. And whatever you cannot get at the moment, I want to have answered for the record—for fiscal year 1984, a total of $22.3 million was appropriated. And in fiscal year 1985, a total of $15.4 million was appropriated.

Does that comport with your understanding?

Mr. WILLIAMS. I have $22,330,000 for 1984. Was that the figure that you had, Senator?

Senator SPECTER. Yes; all right. Why don't you just give me the amounts appropriated for——

Mr. WILLIAMS. I had——

Senator SPECTER. Excuse me. Let me finish my question.

Mr. WILLIAMS. Sure.

Senator SPECTER. Give me the total amounts which have been allocated to these programs for each fiscal year from fiscal year 1984 to the present time.

Mr. WILLIAMS. Sure. Fiscal year 1984, $22,330,000; fiscal year 1985, $15,429,000; and fiscal year 1986, $5,492,000.

Senator SPECTER. Why was 1986 the lesser sum? Had there been unexpended sums from the previous year?

Mr. WILLIAMS. Senator Specter, I have the Director of the Budget Office for the Department of Corrections with us, Kathleen Byrnes. And if I might defer to her on that question.

Senator SPECTER. Yes; you may. Ms. Byrnes, thank you for coming. If you would answer that question, I would appreciate it.

Ms. BYRNES. In 1986, Congress appropriated $3,206,000 for the criminal justice initiative special appropriation. It was supplemented by District revenue to the extent of $2,286,000.

Senator SPECTER. Well, my question is: Were there funds left over from 1985?

Ms. BYRNES. No; there were not.

Senator SPECTER. Why was the funding cut to that extent?

Ms. BYRNES. In 1986?

Senator SPECTER. Yes.

Ms. BYRNES. Congress determined to put into our budget a total of $3,206,000.

Senator SPECTER. Mr. Leeth, do you know why the figure was reduced to that extent?

[Pause.]

Senator SPECTER [continuing]. Well, the information which Mr. Leeth has provided shows that the prior years had very substantial construction, so that for corrections education in 1984 it was $8.2 million; 1985, $6.2 million, and 1985 a supplement of $5.4 million; and 1986 was $3.3 million from the federal government. And you have said that the District of Columbia supplemented it by $2,286,000.

Mr. WILLIAMS. That is correct.

Ms. BYRNES. That is correct.

Senator SPECTER. And then in 1987, the figure was $6.3 million. And what is the figure for 1988?

Ms. BYRNES. In 1988, we had dedicated to the education program approximately $9.6 million, fully District funded.

Senator SPECTER. And are there any other funds allocable to this program?

Ms. BYRNES. There are not any other funds, no.

One other issue is that in 1984 and 1985, the program covered not only education but also other programs in the agency, including security and some other program areas. It was reduced just to the education program in 1986.

Senator SPECTER. Under the education topic, that covers vocational training as well?

Ms. BYRNES. Yes.

ACCOMPLISHMENTS OF EDUCATIONAL/VOCATIONAL PROGRAM

Senator SPECTER. The next question is: What have the results been? What accomplishments are demonstrable, if any, from this program?

Mr. WILLIAMS. Let me start generally, and then I can have Mrs. Washington pick up on it, Senator.

No. 1, we support the notion that part of the reason people are in institutions like these is that they had failed or been failed in a number of respects. We feel that demonstrable results would be borne out by job placement, by failure to recidivate.

Senator SPECTER. I agree with that. It would be borne out by job placement and nonrecidivism.

Now, have you followed the people who have gone through the program?

Mr. WILLIAMS. We have begun to do so, and I was about to say, Senator, that there is a difficulty in ascribing specifically to this program, or any other program, responsibility for turning that tide.

Senator SPECTER. Well, that may be so. But if you follow the individual and that individual gets a job and holds it, I think it is a fair inference that this program is responsible, at least in part. I think it is fair to take credit for that. Have your statistics followed the people?

NUMBER OF PERSONS IN EDUCATIONAL/VOCATIONAL PROGRAM

For example, how many people have gone through the educational and vocational training programs?

Mrs. WASHINGTON. Are you asking us a total for all of the 5 years, Senator?

Senator SPECTER. Yes.

Mrs. WASHINGTON. If you look at the total, it has been approximately 5,000 individuals.

Senator SPECTER. I am sorry. I did not hear that. What was the figure? Would you pull the microphone a little closer, please?

Mrs. WASHINGTON. Yes; looking at the total that have gone through the academic program, not counting fiscal year 1988 since we are not to the end of that year, we are looking at really about 6,000 individuals.

Senator SPECTER. 6,000 individuals through the end of 1987?

Mrs. WASHINGTON. Right. Now, that does not necessarily mean that all of those persons have been released. We have many persons, because of the length of their sentence, who will complete our program but are still incarcerated.

Senator SPECTER. All right. Now, aside from the academic program—and by using the term "academic program," you are distinguishing that from vocational training?

Mrs. WASHINGTON. Yes.

Senator SPECTER. How many have gone through the vocational training program?

Mrs. WASHINGTON. Let me also say that many of these vocational persons that I will talk about are also counted in the academic total because they take both academic and vocational classes. But if you look again over the average daily attendance since 1984, right on up through 1987, you are looking at almost 3,000 individuals.

Senator SPECTER. Now, do you know how many are overlaps?

Mrs. WASHINGTON. No, we do not. I cannot tell from this figure how many there are. We do have another chart that we did not make a part of this where we try to count individuals who are doing both. The majority of our students, though, are in both the academic and vocational programs.

Senator SPECTER. Well, I would like an answer to the question as to how many received both academic and vocational training, and how many received only academic training, and how many received only vocational training.

Mrs. WASHINGTON. We will certainly provide you with that information.

MONITORING JOB PLACEMENTS AFTER RELEASE

Senator SPECTER. Now, the next question is: What happened to these people after they were released from jail? Do we know what has happened to them?

Mr. WILLIAMS. Well, our systematic reporting of job placements actually began in fiscal year 1987, Senator, and we had 290 individuals placed in fiscal year 1987.

In fiscal year 1988, so far we have had 471 persons placed.

Senator SPECTER. How about in prior years? How about in fiscal year 1986?

Mr. WILLIAMS. Senator, prior to fiscal year 1987 there was no systematic reporting of job placement. And so our data now reflect from fiscal year 1987 on. We had 290 in fiscal year 1987 and 471 so far in 1988.

Senator SPECTER. All right. How many of those 290 have stayed out of jail—or how many of those 290 have not been arrested?

Mr. WILLIAMS. I will have to furnish you that information, sir. I do not have that with me.

Senator SPECTER. All right. That is a very important figure. The same thing goes as to the 471. How many of those folks have stayed out of the arrest cycle?

Mr. WILLIAMS. We will furnish you that.

[The information follows:]

LETTER FROM SENATOR SPECTER

SEPTEMBER 9, 1988.

Mr. HALLEM H. WILLIAMS, JR.,
Director, Department of Corrections,
Washington, DC.

DEAR MR. WILLIAMS: On June 28, 1988, during the oversight hearing on the Department of Corrections' academic and vocational training programs before the Senate Subcommittee on the District of Columbia, I requested from your office additional information regarding these programs.

As I stated during the hearing, information involving the success rate of participants in the academic and vocational programs who complete the programs and stay out of the crime cycle is critical in evaluating requests for renewed funding. This information also will be helpful for potential prison education and vocational programs in other jurisdictions.

Specifically, I requested that you provide me with the following information:

—The amount of money allocated to academic and vocational programs for fiscal year 1988; the reasons for the reallocation of funding in 1986 and subsequent increases.

—The number of prisoners who received both academic and vocational training: the number of prisoners who received only academic training, and the number of prisoners who received only vocational training.

—Of the 290 individuals placed in jobs during fiscal year 1987, how many have not been reincarcerated? Of the 471 individuals placed in jobs during fiscal year 1988, how many have not been reincarcerated?

—The number of prisoners upon release from jail who were unemployed; the retention rate for those who have found jobs.

—A comparison between prisoners released from the programs with those who did not participate.

—The number of college graduates in the District of Columbia jails.

As the Senate moves toward consideration of the bipartisan omnibus antidrug bill, I also request that you provide me with statistics concerning the number of drug abusers in the academic and vocational training programs and their success rates upon program completion. Such information involving the impact on program participants who are drug abusers will be helpful as the Senate considers antidrug legislation.

The information you provide also will be extremely helpful in oversight of the Lorton prison education program, as well as its application to drug abusers in the Federal prison system. Therefore, I would appreciate receiving this information as expeditiously as possible. Please direct your response and any questions regarding this request to Margaret Morton of my Judiciary staff at 224–6791.

Thank you for your prompt attention to this important matter.

Sincerely,

ARLEN SPECTER.

LETTER FROM HALLEM H. WILLIAMS, JR.

SEPTEMBER 15, 1988.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: In response to your request for information on the education program in the Department of Corrections the following is provided:

—Data on the appropriation for the education program was supplied as testimony in the course of the June 28, 1988, oversight hearing. More detailed fiscal information was provided in the package supplied to your staff at the hearing.

—Data on enrollment in academic and vocational programs is provided as Attachment I.

—The Department's Educational Services and Automated Data Processing staff are in the process of compiling information on the status of individuals who were placed

in jobs in fiscal years 1987 and 1988. Compiling this information requires a manual search of records and is a very time-consuming task. The data will be provided as soon as it is available.

—Staff are ascertaining the feasibility of determining the employment status and job retention rate for those who secured jobs after release from custody. It may be impossible to supply this type of data since the District of Columbia has no supervision rights or responsibilities over most of these individuals. It is only when they are still in the system, in a community program such as parole supervision, or have returned to custody and provide information covering the period of release, that we are in a position to gather and analyze data.

There have always been some residents released upon expiration of sentence. For these individuals, employment cannot be imposed as a stipulation of return to the community. These individuals may or may not be employed at the time of release. When staff have determined whether or not some means of tracking individuals not under our supervision is possible we will report this to you.

—The Department's Educational Services and Automated Data Processing staff are compiling information to compare the success upon release of those who did and did not participate in educational programs. This information also requires manual search of records. The data will be provided as soon as it is available.

—The number of individuals who received degrees while incarcerated is supplied as Attachment II. It is not possible to determine those who may have entered the custody of the Department already having college degrees. While we have become aware of certain individuals with degrees due to publicity surrounding their cases, we do not attempt to verify inmate self-reported educational backgrounds. With the volume of individuals entering our system, this task would be well beyond our personnel resources.

As we complete the more complex reporting requirements, which involve manual records searches and original data base development, the results will be forwarded to you. Once again I thank you for your continued interest in and support of our programs. If you have any questions about the data which has been supplied please contact me or have a member of your staff contact Kathleen Byrnes of my Budget Division at 673-7391.

Sincerely,

HALLEM H. WILLIAM, JR.

Attachments

[ATTACHMENT I]

D.C. DEPARTMENT OF CORRECTIONS

AVERAGE DAILY ENROLLMENT IN ACADEMIC AND VOCATIONAL PROGRAMS, FISCAL YEARS 1985–88

Fiscal year	Academic only	Vocational only	Academic/ vocational
	CENTRAL FACILITY		
1985	224	238	50
1986	244	185	56
1987	292	172	76
1988	329	332	73
	DETENTION FACILITY		
1985	155	22	32
1986	100	22	60
1987	201	20	84
1988	230	18	76

Fiscal year	Academic only	Vocational only	Academic/ vocational
	MAXIMUM SECURITY FACILITY		
1985	139	19	1
1986	119	19	
1987	151	6	15
1988	154	11	0
	MINIMUM SECURITY FACILITY		
1985	85		14
1986	181	31	8
1987	164		
1988	126		
	OCCOQUAN FACILITY[1]		
1985	299	156	17
1986	330	101	49
1987	426	3	37
1988	564	43	33
	YOUTH CENTER I		
1985	151		22
1986	78		169
1987	340		146
1988	323		159
	YOUTH CENTER II		
1985	120		10
1986	139	5	78
1987	373	12	29
1988	249	109	55
	SUMMARY		
1985	1,173	435	146
1986	1,191	363	420
1987	1,947	213	387
1988	1,975	513	396

[1] In 1987, the three Occoquan facilities were reorganized into one facility. Statistics for 1985–88 reflect combined enrollments.

[ATTACHMENT II]

HIGHER EDUCATION PROGRAM, DEGREES AWARDED FISCAL YEARS 1985–88

Fiscal year	Urban studies	Accounting technology	Computer accounting technology	Legal assistant	Grand total
		ASSOCIATE DEGREES			
1985	5	3	0	1	9
1986	4	5	1	0	10
1987	2	5	1	0	8
1988	5	5	2	0	12

Fiscal year	Urban studies	Accounting technology	Computer accounting technology	Legal assistant	Grand total
		BACHELOR DEGREES			
1985	1				1
1986	2				2
1987	0				0
1988	3				3
Totals	22	18	4	1	45

NUMBER OF PERSONS RELEASED FAILING TO FIND JOBS

Senator SPECTER. But those are numbers for actual job placements.

Mr. WILLIAMS. That is right.

Senator SPECTER. Now, how many people who were released from jail did not find a job?

Mr. WILLIAMS. Well, a very small number, Senator, for a couple of reasons.

Senator SPECTER. Do we know the number?

Mr. WILLIAMS. I would say next to zero because, Senator, if they do not have a job, they cannot go out on parole.

Senator SPECTER. All right. But is it next to zero or is it zero?

That also is a very important figure.

Now, if you are saying they cannot go out on parole, there may be some whose maximum sentence is over.

Mr. WILLIAMS. That is true.

Senator SPECTER. So they would have been eligible for release without a job. I would like to know how many did not find a job because that also is a very important figure.

We have some very complex judgments to make. If somebody leaves jail and finds a job, I think it is fair to conclude that the training was a significant factor in finding the job. Certainly, it is fair to take credit for that. You are going to have lots of losses. So that is, I think, a fair thing to take credit for. So I want to know how many did not find a job, and then of those who found jobs, how did they fare?

If we find that the people who have found a job have stayed out of the arrest cycle and out of the crime cycle, that would be very impressive in terms of getting funding for this kind of a program in other jurisdictions and perhaps on a national basis, which is why this program is so important. In a sense, the eyes and the ears of not only this subcommittee, but of the country, could be on this program.

Mr. WILLIAMS. Sure. We will be happy to furnish and track that information for you.

[CLERK'S NOTE: See information supplied on page 201.]

SPECIAL TEMPORARY EMPLOYMENT PROGRAM

Mr. WILLIAMS. I might also add, Senator Specter, that the Mayor established a Special Temporary Employment Program as well. We have a couple of other factors that we need to consider. One is, before you

arrived, we talked about the general lack of receptivity on the part of the employer community to ex-offenders, to hiring ex-offenders. And so what we are trying to do as a government is to make sure that the people who come through our training programs and who have their aspirations raised also have an opportunity to put those skills to use within the community. We are doing that in part through some subsidized jobs with the D.C. government as people are transitioned into private sector and public sector unsubsidized employment.

GED TEST RESULTS

Senator SPECTER. Well, that is fair enough. If they have transitional jobs with the D.C. government, if they stay out of the arrest cycle, out of the crime cycle.

I see the GED test results. I do not have any base to compare whether the statistics of 63 percent, 64 percent, 61 percent, 57 percent, 59 percent for the fiscal year 1984 through 1988 are good or bad.

Are those good results?

Mrs. WASHINGTON. Those are excellent results; when you even compare them to the national level of GED completions, they are excellent results.

Senator SPECTER. You mean nonprison population GED completions?

Mrs. WASHINGTON. Even compared to nonprison population. In fact, we have had several of our students who have been the highest in the total city. As you remember, these GED tests are given by D.C. public schools, and we have had several of the inmates at Lorton who have been awarded honors for having been the highest tested.

Senator SPECTER. Do you attach any significance to a decrease from fiscal year 1984 of 63 percent to 57 percent in fiscal year 1987? Or is that within the range of what might reasonably be expected?

Mrs. WASHINGTON. Yes; there are two things that happened during those years. We tested less during those years because we went to a trisemester system to try to get more students. We had a number of students, and that was a time that we moved to our mandatory adult basic education [ABE]. We had a number of our students who were just functioning too low to even take the GED test. But we are still above 50 percent, and the national average runs around 49 to 50 percent of those taking the GED test.

MEASURING SUCCESS OF EDUCATIONAL/VOCATIONAL PROGRAM

Senator SPECTER. Are there any other indicators besides what we have already discussed which bear on the issue of success or nonsuccess of the program as you see it?

Mrs. WASHINGTON. Well, the indicator for us, of course, is not only the passing of the GED, but, again, as it relates to jobs. And I would like to make sure that the committee understands that we do not work with all inmates who are leaving the facility. Therefore, when you compare the statistics of who receives jobs, how long they stay out, and whether or not they are reincarcerated, it makes it very hard for us to do that.

We have started a process now to try and track or followup on the inmates. But because this is a very mobile area, it does not take very long to lose sight of where those persons are. But based on our director's agreement with you, we will do a better job, hopefully, to give you that information. We think, too, that is the measure.

Senator SPECTER. Where you have talked about job placements in fiscal year 1987 of 290, are you now telling me that those are not people who have completed either the education——

Mrs. WASHINGTON. No, no; those are. These figures are actually persons who were in our program.

Senator SPECTER. All right.

Mr. WILLIAMS. What she is saying is that many more than 290 exited our system in fiscal year 1987 and received jobs, and those individuals did not participate in the program. But these statistics reflect program participants.

Senator SPECTER. Well, it would be very interesting to know the comparison between those who were released who worked in the programs and those who were released who did not work in the programs as to what has happened to them. That would be more tangible evidence of cause and effect.

Mr. WILLIAMS. With that kind of cause-and-effect arrangement, though, Senator, I think we would have to do a bit more with the demographic information to convey exactly who it is we are talking about. Because if we are talking about an individual who did not participate in our program because he already had a college degree and he came through the program and received a job, I think that would be interesting to know, as opposed to that this number did not, this number did participate and so, necessarily, there ought to be a positive success rate in the job placement.

NUMBER OF COLLEGE GRADUATES IN JAIL

Senator SPECTER. Well, there may be some people who participated in your programs who have had college degrees, but I frankly doubt that—or maybe I am wrong. Do you have a lot of college graduates in the District jails?

Mr. WILLIAMS. We have some, yes.

Senator SPECTER. Many?

Mr. WILLIAMS. Not many. But we also have——

Senator SPECTER. Do you have any Ph.D.'s? I can understand LLB's, but I——

Mr. WILLIAMS. No; we have maybe one or two Ph.D.'s, M.D.'s, but not very many. Not statistically significant.

Senator SPECTER. I was not serious when I talked——

Mr. WILLIAMS. Yes; I understand.

Senator SPECTER. I just decided to pick my own profession for purposes of levity.

Mr. WILLIAMS. OK.

Senator SPECTER. Well, I would be interested to know that. And if you can segregate out those who are college graduates, that would be fine.

I do not want to impose—the questions I have asked you are already going to impose an administrative burden, but they are very important questions which could have a significant impact about what this Congress does on other programs like this. If you can segregate out those who have college degrees, we would be very interested to know that as well.

GAO REPORT REGARDING CONSTRUCTION OF FACILITIES

Let me turn to the GAO report, which I know you are familiar with, and ask you questions about that report, because people who will be looking at your program will want to know your response to the GAO report.

The GAO findings which have been summarized for me raise a question as to what they categorize as poor management practices. Mr. Williams and Mrs. Washington, are you familiar with the GAO report?

Mr. WILLIAMS. Yes, I am.

Senator SPECTER. Would you give me your reaction to the GAO conclusion of poor management practices?

Mr. WILLIAMS. Well, I am in kind of an awkward position, Senator. I will respond to your question and your request.

The matter of construction is something that the Department of Corrections does not handle. As you know, the Department of Public Works is the entity which deals with our capital improvements. But based upon what I know about interaction with the Department of Public Works, I know that the city's response was that they were attempting through the Department of Public Works to produce tangible results in a very short timeframe, and attempted to fast-track the project.

Some decisions were made early on about separating out the bid packages to deal with facility design and foundation work.

Senator SPECTER. Mr. Williams, let me interrupt you for this point. When the GAO referred to poor management practices, were they referring just to the Department of Public Works, or were they referring to the—well, I think they were referring to the criminal justice initiatives, too. But what I need to have your response to is—well, were they referring to activities in your department, the Department of Corrections?

Mr. WILLIAMS. Senator, I am not sure what you are reading from. All I have is the GAO report dated October 1987, titled "Problems have created delays in constructing educational facilities at Lorton."

Senator SPECTER. Yes; that is the report that I am concerned with as well.

Mr. WILLIAMS. OK. Well, my understanding is that the General Accounting Office in this instance was only referencing the construction aspect to the program and not the operation.

Senator SPECTER. Well, at page 25, Mr. Williams—and I do not bring this up to ascribe blame. I bring this up for purposes of asking questions.

Mr. WILLIAMS. Yes.

Senator SPECTER. At the bottom in the last paragraph, second sentence, "However, DPW," referring to the Department of Public Works, "did not provide the management continuing necessary to ensure that the projects maintained a rate of progress commensurate with the priority assigned to the projects."

Does that refer to your department?

Mr. WILLIAMS. No; that is referring to the Department of Public Works.

Senator SPECTER. Well, the next sentence, "For example, the projects had five different project managers responsible for CJI," that is criminal justice initiative, "during the 3-year period that the funds were available."

Does that refer to anything in your department?

Mr. WILLIAMS. No; Those are construction managers.

Senator SPECTER. Only construction managers?

Mr. WILLIAMS. Yes.

Senator SPECTER. So you are saying that the GAO report really does not deal with either the basic educational, vocational training programs that have been administered by the Department of Corrections or by Mrs. Washington's unit, the education services unit?

Mr. WILLIAMS. No; this report does not speak to that at all.

Senator SPECTER. So this report deals with just the construction issue?

Mr. WILLIAMS. That is right.

Senator SPECTER. And the equipment issue.

Mr. WILLIAMS. Not even equipment, Senator. I think this refers to the educational buildings.

[Pause.]

EVALUATION OF EDUCATIONAL/VOCATIONAL PROGRAM

Senator SPECTER. Well, how do you evaluate your program?

Mr. WILLIAMS. I can speak for the period in which I have had involvement and that Mrs. Washington has had involvement with the program. We have read very carefully the admonitions and the instructions from this committee and from the Mayor, and we have implemented this program. As I started to say, we have made sure that it was a mainstreamed operation within the institutions, which means that we have decentralized it so that it reports through the institutional administrators.

We have had our eye on the curriculum, curriculum improvements, to make sure, particularly in those vocational areas, that we were preparing people for opportunities which would be real opportunities that would exist outside the institution. We have combined the educational program with the industries and agricultural program so that there is a continuum of services.

Senator SPECTER. Are you satisfied with the progress you have made on the educational program?

Mr. WILLIAMS. Senator, I am never satisfied. I think that we can do a lot more. I think that in a lot of respects we have been hampered by having to deal with the ever-increasing population. At the point at which this initiative began, there were about 5,700 people on an average daily basis within the institutions. As we talk today, there are 8,777 individuals basically in those same institutions.

So in terms of having the physical plant, the resources available to administer this program in as orderly a fashion as we would like are limited.

Senator SPECTER. What happened to all those millions of dollars that this subcommittee spearheaded the effort to build you a new prison?

Mr. WILLIAMS. Sir, that effort is still under way. It appears that we will be occupying that in late 1990, 1991, an 800-bed facility.

Senator SPECTER. The problem is that, if you let enough time pass, you will need more beds than that in the intervening time.

Mr. WILLIAMS. Yes.

Senator SPECTER. Well, your point is that you have had problems because of increased prison population.

Mr. WILLIAMS. We have had problems with the inmate population. We have had problems in staff retention. It takes a very special person to teach, period. Across the country, as you know, there is a teacher shortage. When you impose the conditions of teaching within an institution, it takes an extra-special person.

We have had a chronic problem with staff turnover, with staff burnout. We are addressing those issues through partnerships with the University of the District of Columbia for the delivery of some instructional services.

We are making a lot of progress with the employers. That is another area that we have to focus on. We had a job fair recently that attracted a number of employers from the metropolitan area offering jobs on the spot. That is a positive sign.

Senator SPECTER. To the inmates?

Mr. WILLIAMS. To the inmates. That is a positive sign.

We have on the part of a number of the inmates a renewed sense of interest in education. Many of them have adopted a mindset that education and educators are their enemy, just as police officers and other law enforcement officers are their enemy.

EDUCATIONAL OPPORTUNITIES FOR ALL INMATES

Senator SPECTER. Are you able to offer educational programs to all the inmates who would be willing to enter them?

Mr. WILLIAMS. Yes. Yes; we are.

Senator SPECTER. So no one is turned away.

Mr. WILLIAMS. No.

Senator SPECTER. But the numbers constitute a relatively small number of the total prison population.

NUMBER OF INMATES IN EDUCATIONAL PROGRAM

How many people are in the educational program now?

Mrs. WASHINGTON. Right at 2,400.

Senator SPECTER. 2,400?

Mrs. WASHINGTON. Yes.

Senator SPECTER. Well, that is a pretty good number out of 8,000.

Mr. WILLIAMS. Yes; it is.

Senator SPECTER. If another 100 wanted to enter, you would have room for them?

Mr. WILLIAMS. Another 100?

Mrs. WASHINGTON. Oh, of course, if another 100—yes.

Senator SPECTER. 200?

Mrs. WASHINGTON. Even 200.

Senator SPECTER. 300?

Mrs. WASHINGTON. Probably even 300,

Mr. WILLIAMS. Now you are taxing the system.

Mrs. WASHINGTON. Now you are getting a little overly optimistic.

Senator SPECTER. That is what I want to find out.

Mrs. WASHINGTON. With the completion of some of our buildings, we probably will get to that.

NUMBER OF INMATES IN VOCATIONAL PROGRAM

Senator SPECTER. And how many people are in the vocational training program?

Mrs. WASHINGTON. As of this date, 720.

Senator SPECTER. And do you have room if more people wanted to go into vocational training?

Mrs. WASHINGTON. At this time, we do not, only because we do not have instructors. We have just entered into our agreement with the University of the District of Columbia. However, as they are able to bring on instructors, we look to put more persons in our vocational program.

Senator SPECTER. Well, but what you are describing here is essentially a program that is undertaking growing pains, as you see it—growing pains from initiation of the project, growing pains from—well, it would not be growing pains that you have additional inmates coming in but that causes a problem. You do not have as much space as you need. We have appropriated the $30 million for a jail, but that has not moved forward as fast as anybody would have liked. You have problems with teachers.

Any other specific problems that you can describe?

Mr. WILLIAMS. Not as such, Senator; just that we are dealing with a population which is not as motivated. In fact, that is one of the reasons for your insistence on the program. And so on the front end, there are individual frustrations in terms of getting people to understand.

ENROLLMENT GROWTH IN EDUCATION/VOCATION PROGRAM

Senator SPECTER. But you are getting more people now than before. You now have 2,400 people in the education program.

Mr. WILLIAMS. That is right.

Senator SPECTER. How does that compare with how many you had, say, 2 or 3 years ago?

Mr. WILLIAMS. About a 48-percent increase.

Senator SPECTER. From what year?

Mr. WILLIAMS. From 1984, sir.

Senator SPECTER. From 1984.

Mr. WILLIAMS. Yes.

Senator SPECTER. So in 1984, you had about 1,600 people, 1,500 people.

Mrs. WASHINGTON. That is correct.

Senator SPECTER. Now you are up to 2,400 people?

Mrs. WASHINGTON. Right.

Senator SPECTER. And how about in vocational training? You are up to 720 now. What were you in 1984?

Mrs. WASHINGTON. 349.

Senator SPECTER. So it is twice as many.

Mr. WILLIAMS. A 74-percent increase.

Mrs. WASHINGTON. A 74-percent increase.

Senator SPECTER. From 349 to 720?

Mrs. WASHINGTON. 759 is the exact figure.

Senator SPECTER. 349 to 759.

Mrs. WASHINGTON. Right.

Senator SPECTER. That is more than 100 percent. Or do I need your training program?

Mrs. WASHINGTON. I think it is about 74 percent, if our calculations are right.

Senator SPECTER. Well, let us see. You have 729 now.

Mrs. WASHINGTON. 759.

Senator SPECTER. 759.

Mrs. WASHINGTON. Oh, I am sorry. Yes; it is an increase of 117 percent. Your figures are better.

Senator SPECTER. OK. We got to figure out who needs the training.

Mr. WILLIAMS. We were looking at the apprenticeship total.

Mrs. WASHINGTON. Right. We were looking at the apprenticeship total rather than vocational.

In the vocational area, it has been an increase of 117 percent, Senator Specter.

ON TRACK WITH EDUCATION/VOCATION PROGRAM

Senator SPECTER. Well, in general, you think you are on track, doing a reasonably good job.

Mr. WILLIAMS. Yes; we do.

Senator SPECTER. Maybe better than reasonably good.

Mr. WILLIAMS. I think a very good job, given the circumstances.

Senator SPECTER. But you have problems, and you have got to work on them.

Mr. WILLIAMS. Yes.

Senator SPECTER. OK. Well, I am going to look forward to your statistics to see what you are doing. I want to see that.

Mr. WILLIAMS. Sure. We will be happy to furnish that for you.

Senator SPECTER. All right. Anything else you want to add to this hearing?

Mr. WILLIAMS. No; just again to thank you.

Senator SPECTER. I do not want to keep you too long because you have got a lot of work to do.

Mr. WILLIAMS. You do not know the half of it, Senator. [Laughter.]

No; just to reiterate our appreciation for your continuing interest and oversight. And I know, based on personally being here and sitting in the audience in another life, I know of your keen interest and your insistence that this effort move forward. And I think it is bearing fruit, and we thank you.

CLOSING REMARKS OF SENATOR SPECTER

Senator SPECTER. Well, I am going to take a look at the figures you provide, and we may have another oversight hearing. I may want the Mayor to come in. I do not want to take his time if we do not need it, but I want to do that. My term has 4½ years plus left, so you can expect many more oversight hearings because I intend to follow this project.

Mr. WILLIAMS. OK.

Senator SPECTER. I intend to monitor it, and I intend to help you. And I would like to see this program produce evidence of substantial achievements which will then help me and others who believe in realistic rehabilitation get more money to help you on this very important goal.

We have to be tough on tough criminals, but where you have rehabilitation possible, we have got to do that. I believe this a unique program. We put up a lot of money for this program. The howls were overwhelming when we put up $22 million in fiscal year 1984, and we are going to stay with it.

Mr. WILLIAMS. OK.

Senator SPECTER. Thank you very much.

Mr. WILLIAMS. Thank you.

CONCLUSION OF HEARINGS

Senator SPECTER. That concludes the hearings. The subcommittee will recess and reconvene at the call of the Chair.

[Whereupon, at 11:10 a.m., Tuesday, June 28, the hearings were concluded and the subcommittee was recessed, to reconvene at the call of the Chair.]

LIST OF WITNESSES, COMMUNICATIONS, AND PREPARED STATEMENTS

	Page
Barry, Hon. Marion S., Jr., Mayor, statement of	1
Prepared statement	12
Blackshear, Patsy Baker, Acting Associate Superintendent, Management Services, D.C. School System	163
Blitzstein, Artie, Deputy Budget Director, Council of the District of Columbia	40
Boyd, Bob, member, D.C. Board of Education	163
Byrnes, Kathleen, Budget Officer, D.C. Department of Corrections	189
Clark, Richard, Intergovernmental Liaison Officer, Council of the District of Columbia	40
Clarke, David A., Chairman, Council of the District of Columbia, statement of	40
Prepared statement	43
Cropp, Hon. Linda W., President, D.C. Board of Education, statement of	163
Prepared statement	166
Dixon, Arrington, Chairman, Taxicab Commission, statement of	123
Prepared statement	124
Jenkins, Andrew E., Superintendent-Designate, D.C. School System, statement of	163
Prepared statement	173
Marshall, Wilhelmina, Director, Legislative Affairs Unit, Office of the Budget	1
Mize, Greg, General Counsel, Council of the District of Columbia	40
Morgan, Adrienne, Assistant Budget Director, Council of the District of Columbia	40
Polansky, Larry, Executive Officer, D.C. Court System, statement of	133
Prepared statement	152
Pryor, Hon. William C., Chief Judge, D.C. Court of Appeals, statement of	133
Prepared statement	134
Rolark, Wilhelmina, Chairperson, Committee on the Judiciary, Council of the District of Columbia	40
Specter, Hon. Arlen, U.S. Senator from Pennsylvania, letter from	201
Ugast, Hon. Fred B., Chief Judge, D.C. Superior Court, statement of	133
Prepared statement	140
Washburn, Wanda, Vice President, D.C. Board of Education	163
Washington, Gwynne H., Assistant Director, Educational, Industrial, and Agricultural Services, D.C. Department of Corrections	189
Williams, Hallem H., Jr., Director, D.C. Department of Corrections, statement of	189
Prepared statement	191
Letter from	201

SUBJECT INDEX

Council of the District of Columbia

	Page
AIDS	60
Commuter tax	49
Federal responsibility, amount of	48
Handicapped, Metro program for	55
Pothole repair program	55
Property taxes	51
Reciprocal income tax	51
Taxicab Commission:	
Delay in study	52
Hearing with	55
Taxicabs:	
Deplorable situation	54
Problems with	52
Regulations governing	53
Unfunded pension liability of police, fire, judges, and teachers	46

Court System

Adult arrestees, drug testing of	136
Appellate court, number of judges on	160
Court of appeals budget	158
Courts, maintenance and security responsibilities of	154
Criminal and juvenile caseload	135
Criminal dispositions, 1987	138
Criminal Justice Act funding	156
Intermediate court:	
Status of	158
Study of	160
Juvenile cases, increase in	136
Mandatory personal service increases for existing staff	141
Misdemeanor cases, number of	136
One-trial, one-day system	161
Operation clean sweep, impact of	137
Pay raise funding, fiscal year 1988	158
Personal services increase and other related costs	142
Civil division	142
Criminal division	144
Data processing division	148
Family division	146
Personnel division	147
Probate division	145
Research, evaluation and special projects division	148
Social services division	149
Special operations branch	147
Positions denied by council	157

	Page
Persons indicted and subsequently convicted, number of	137
Superior court, council action on budget request	156
Supplemental budget, fiscal year 1988	138
DEPARTMENT OF CORRECTIONS	
Academic and vocational programs, average daily enrollment in	202
College graduates in jail, number of	206
Educational facilities, construction of	194
Educational program:	
Model for other cities	194
Number of inmates in	210
Educational/vocational program:	
Accomplishments of	199
Enrollment growth in	211
Evaluation of	208
Measuring success of	205
Number of persons in	199
Total funding for	197
Update of	196
GAO report regarding construction of facilities	207
GED test results	205
Higher education program, degrees awarded	203
Inmates, educational opportunities for all	210
Job training programs, relationship to job market	193
Monitoring job placements after release	200
Persons released, number failing to find jobs	204
Special temporary employment program	205
Staff, difficulty in hiring and retaining	194
Vocational program, number of inmates in	210
OFFICE OF THE MAYOR	
Addressing our housing needs	32
Assisting senior citizens	33
Battling drugs and ensuring public safety	29
Board of Elections and Ethics	76
Board of Parole	92
Budget request	24
Building self-sufficiency	31
Capital budget requests	35
COLA increase for civil service retirees	19
Containing debt service costs	13
Contract Appeals Board	75
Contracting and procurement	13
Corruption in D.C. government	109
D.C. Housing Finance Agency	80
D.C. prison	115
D.C. School of Law	58, 118
Departments of:	
Consumer and Regulatory Affairs	83
Corrections	89
Human Services	95
Public and Assisted Housing	77
Public Works	96
Drug problems, businesses contributing to	8

	Page
Drugs	61, 71, 99
Attitude of youth	7
Help from federal government in fighting	8
Increase in street	8
Trafficking control	112
War on	6, 21
Educating for today and tomorrow	29
Employment Security Building	70, 116
Transfer of title	5, 20
Federal payment	15, 107
Support of	3
Federal water and sewer payment	16
Financial management achievements	2
Fire Department	88
Fiscal responsibility and improvements	12
Homeless	67
Shelter fines	68
Housing	100
Housing and community development	35
Human support services and public education	36
Implementing new procurement act	3
Improved emergency ambulance response	30
Lump sum apportionment	105
Lump sum federal water and sewer payment, support of	4
Metro	73
Metropolitan Police Department	84
Offices of:	
Cable Television	98
Communications	75
Emergency Preparedness	94
Employee Appeals	76
Planning	77
Official representation account	121
Operation fight back	8
Police Department, funding for	7
Prison	66
Programs to save our youth	9
Public safety	36
Public works	36
Saving our youths	27
Stadium	70
Taxicab Commission	64, 103
Washington Convention Center	97
Water and sewer payment	106

SCHOOL SYSTEM

Administrators' salaries, comparison with surrounding jurisdictions	170
Antismoking programs	182
Board of Education	185
Budget request	169
Designated superintendent	180
Drug education programs in schools	176
Drug problems	182
Montessori program in schools	181
Outside persons and organizations, help from	177
Prekindergarten program	181
Program reductions in fiscal year 1989	182

Page

Riciprocal income tax, need for 179
School buildings, age and condition of 178
Superintendent-designate:
Tenure of 180
Priorities of 180
Supplemental funding, need for in fiscal years 1988 and 1989 183
Supplemental request, fiscal year 1988 169
Teachers' salaries, comparison with surrounding jurisdictions 169

TAXICAB COMMISSION

Appeals, separate entity to hear 131
Committee help 131
First regional agreement, items to be included in 125
Integrated regional taxi system, creating an 124
Metered taxicabs, status of 126
Taxi drivers, knowledge of city 130
Taxicab study:
Length of time to do 127
Other requirements of 129
Purpose of 128
Taxicabs, stepped-up enforcement of 130
Zone system, other jurisdictions using 128
Zones versus meters 128

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